

IN RE: PETITION FOR SPECIAL HEARING
N/S Vandermast Lane at its
intersection w/Goff Road
(Vandermast Property)
15th Election District
5th Councilmanic District

Joseph E. Buchanan, II
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-412-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property located on the north side of Vandermast Lane at Goff Road in the vicinity of Holly Neck Road on Sue Creek. The Petition was filed by Joseph E. Buchanan, II, Developer, on behalf of the legal owner of the subject property, Ernest Vandermast. The Petitioners seek approval of 22 dwelling units on the property as a legal, nonconforming use. The subject property and relief sought are more particularly described on the plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ernest Vandermast, property owner, and Joseph Buchanan, II, Developer. Numerous residents from the surrounding community appeared in opposition to the request, including John M. and Mary L. Hessian, Carl A. Maynard, Betty Christopher, Marion Maccrehan, Alfred E. Clasing, Jr., Dr. Maria C. Diaz, Dr. Jack W. Mowll and Theresa Guckert.

Testimony and evidence offered revealed that the subject property consists of 59.84 acres, more or less, split zoned R.C.5 and R.C.20, and is improved with 22 dwelling units which are the subject of this request. In fact, this property was the subject of a District Court case in which the Baltimore County Health Department issued a violation to the property

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By

owner for failing septic systems on the subject site. In order to determine how many of the subject dwellings could be approved for connection to the public sewer system, the Petitioner was advised to file the instant Petition to determine how many of the subject dwellings were legal and nonconforming.

Unfortunately, it is difficult to know the exact size of the property, given the fact that the Petitioner failed to prepare a proper site plan for this special hearing request. The Petitioner used a Baltimore County Department of Public Works (DPW), Bureau of Engineering pressure sewer map as a site plan to describe the subject property and existing improvements. Given the nature and extent of the Petitioner's request, it was incumbent upon him to hire an engineer to prepare a detailed site plan of the property. The map that was submitted into evidence as Petitioner's Exhibit 1 simply does not suffice as a site plan. However, for the purpose of reaching a decision on the merits of the special hearing request, I have overlooked this technical flaw and have chosen not to dismiss the Petition because of the insufficient site plan.

As noted above, Mr. Ernest Vandermast appeared and testified on behalf of this project. Mr. Vandermast testified that the subject property has been in his family since 1911. He is a fourth generation Vandermast and is one of the heirs to the property which he owns along with two sisters and three cousins. Mr. Vandermast testified that his Great Great Grandfather purchased the subject property in 1911 and that the property was used from the 1920s through the 1940s as a farm with several residential structures. Further testimony revealed that the property was also a chicken farm at one time. During the course of World War II, the boom years for the Martin Marietta Corporation, there was a severe shortage of

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By

housing in the Middle River/Essex area. Mr. Vandermast testified that just about all of the structures that existed on the chicken farm were converted to make-shift dwellings for the many workers who were employed by Martin Marietta. He testified that chicken coops, barns, and any other structures which could be used for housing were converted. This make-shift housing has existed on the property since the 1940s and continues to exist today.

Mr. Vandermast testified that in the 1960s and 1970s, the property was governed by his Great Aunts until such time as they were placed in a nursing home. He testified that during that time, the property was mismanaged and the houses became run down. After his Great Aunts passed away, Mr. Vandermast and other family members inherited the property. Testimony indicated that at one time, there were 26 make-shift dwellings on the site; however, at the present time, there are only 22 dwelling units, two of which are under renovation. The other 20 units are inhabited.

In order to establish a nonconforming use, the Petitioner had the burden of proving that these residences existed on the property prior to January 1, 1945, the effective date of the Baltimore County Zoning Regulations (B.C.Z.R.), and that each unit has been used continuously and without interruption for residential purposes since that date. While Mr. Vandermast was able to give a historical account of the Vandermast property in general, as well as the use of the property over the years, he failed to offer to this Deputy Zoning Commissioner any substantive evidence as to how each residence has been used since 1945. Furthermore, Mr. Vandermast was unsuccessful in demonstrating that any of the 22 houses in question existed on the property prior to 1945. Thus, I cannot justify a finding that any of the houses on the property are truly nonconforming.

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I personally visited the property on two occasions, once with the many citizens who not only appeared at the hearing but also took the time to tour the property with me, and on a second occasion with Mr. Vandermast and Mr. Buchanan, the proposed Developer of this site. On both occasions, it was apparent that many of these houses, if not all, were nonconforming; however, the Petitioner failed to offer substantive proof for a nonconforming use to be granted. Had the Petitioner hired an engineer to prepare a proper site plan, thereby avoiding that technical hurdle, and obtained the assistance of counsel to properly present evidence as to the nonconforming status of each and every one of these dwelling units, the likelihood that the Petitioner would have been successful in retaining all 22 of these dwellings would have been great. However, such was not the case at the hearing before me and thus, I am compelled to deny the special hearing.

While some of the residents who appeared in opposition to the Petitioner's request may view my decision as somewhat of a victory, I can not disagree with them more. This hearing was a golden opportunity for the residents of the Back River Neck community, working in conjunction with Mr. Vandermast, to do something about the unacceptable condition of this property. Mr. Vandermast was attempting, by virtue of this special hearing request, to eventually raze each of the dwelling units on the property and construct 22 new single family dwellings, each on its own individual lot, with public water and sewer connection. However, the first step in his plans required being successful in his special hearing request. As a result of the opposition encountered at the hearing and the inability to work out a reasonable solution to this situation, the Vandermast property will more than likely remain in its present condition. Not only are the types of houses existing on this waterfront property unaccept-

able as dwellings, but each of these dwellings has a failing septic system which, at present, leaches directly into Sue Creek. Furthermore, the shoreline of this nearly 60-acre parcel has eroded causing sediment to be deposited into Sue Creek. Sue Creek does not flush well in that the only channel or opening out to Middle River and the Chesapeake Bay is through a small inlet located at the Baltimore Yacht Club.

Many of the residents who appeared at the hearing voiced concern as to the types of individuals who are currently residing on the property. As stated previously, the dwellings are make-shift houses made from various outbuildings previously used in the operation of a chicken farm. The houses are very small and the soundness of their construction is questionable. An opportunity exists to extend public sewer, which is currently at the boundary of this 60-acres, to each and every one of the dwellings on the property. This would eliminate all of the raw sewage that currently drains into Sue Creek. Furthermore, Mr. Vandermast and his Developer were prepared to make improvements to stop the shoreline erosion which currently takes place. Mr. Vandermast was also willing to transfer approximately 30 acres of this site into a land trust to be retained and governed by the Community Association as a conservancy area. All of these improvements would be of tremendous environmental benefit to the surrounding locale.

As Deputy Zoning Commissioner, I attempted to mediate an acceptable solution to the environmental problems which currently exist on this 60-acre parcel of land by meeting with the property owner and the citizens for several hours on the site. I was willing to guide this project through the County development process to ensure that the subject property would be transformed into a viable community of homes, meeting all environmental regulations. However, as a result of correspondences received after my

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Date

By

be transformed into a viable community of homes, meeting all environmental regulations. However, as a result of correspondences received after my meetings with the citizens and community associations of the Back River Neck Peninsula, it was apparent that any attempt to transform this property into a productive community would be fruitless. Therefore, I have no alternative but to rule on the evidence as it was presented to me at the hearing which, in fact, has resulted in my denial of the special hearing request.

As noted earlier, it might appear that the residents of the Back River Neck Peninsula have garnered a victory by virtue of my decision. However, it pains me to deny this special hearing request, and, quite possibly, forever lose the opportunity to turn this 60-acre parcel into an upscale, waterfront community. Perhaps, in the event an appeal is filed, the residents of this area will reassess and reevaluate their position and take advantage of the opportunity that is before them at this time. Baltimore County Government has initiated a policy to revitalize older neighborhoods in Baltimore County. The Vandermast property is a prime example of how revitalization would benefit an entire community. It is ironic that the citizens who would most benefit from this revitalization are the same ones who are impeding its progress.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1996 that the Petition for Special Hearing seeking approval of 22 dwelling units on the property as a

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By

legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be
and is hereby DENIED.

Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

1/17/96

By

[Signature]

IN THE MATTER OF
THE APPLICATION OF
JOSEPH E. BUCHANAN II -PETITIONER
FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTH SIDE
VANDERMAST LANE AT GOFF ROAD
(VANDERMAST PROPERTY)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-412-SPH

* * * * *

RULING ON MOTION TO DISMISS

This case comes as an appeal of the January 17, 1996 Order of the Deputy Zoning Commissioner in which a Petition for approval of 22 dwelling units on the instant property as a legal nonconforming use was denied. As a preliminary matter to hearing the case on the merits, People's Counsel, joined by Protestants, moved for dismissal; argument on the Motion was heard from Peter Max Zimmerman, People's Counsel for Baltimore County; J. Carroll Holzer, Esquire, Counsel for Protestants; and C. William Clark, Esquire, Counsel for Petitioners /Appellants. The Board openly deliberated the matter following conclusion of argument on the Motion.

People's Counsel moves to dismiss this case, citing the Rules of Procedure of the Zoning Commissioner which stipulate that certain Petition requirements be fulfilled before moving forward. People's Counsel asserts that no site plan exists in accordance with the Zoning Commissioner's Rules, arguing that the consequence is an insufficient Petition, which is therefore a deficiency too great to overlook. People's Counsel asserts that the Board has appellate jurisdiction in matters before the Zoning Commissioner, even though the Board hears such matters de novo.

Further, People's Counsel argues that, because no site plan was available for review, the County agencies, although having provided comments in this matter, did not have adequate opportunity for review of the Petition, nor did the concerned citizens and attorneys in this matter. People's Counsel asserts that, since the Deputy Zoning Commissioner did not review the case on the merits as proscribed by the Rules of Procedure before the Zoning Commissioner, this Board has no authority to consider this case on the merits. Protestants argue that moving forward is prejudicial to the Protestants and prevents County review in the matter, further stating that the lack of a site plan unfairly places the Protestants in the posture of not being able to cross-examine witnesses.

The Appellants argue that the issue should have been raised before the date of the hearing, and that such practice is unfair to the Petitioner. Further, the Appellants point out that the Deputy Zoning Commissioner purposely overlooked the site plan deficiency in his written Opinion and Order; further, that Baltimore County accepted the Petition and performed its review with the information contained in the file. Appellants concede that the information in the file does not comply in form with the Zoning Commissioner's Rules of Procedure, rule #2. If the Board were to determine the lack of a site plan to be a material defect, then the Appellants would request a continuance, stating that zoning matters are an evolutionary process in furtherance of their argument.

The Board notes that the Rules of Procedure before the County

Board of Appeals do not include rules of discovery found in the Court system in this State; furthermore, the Board notes that the burden of compliance with filing requirements rests with the Petitioner at the time of filing. It should be noted that the Petitioner in this case has attempted to comply with an Order of the District Court to enable him to satisfactorily address environmental concerns on the instant site, and in a fashion which would not be unduly financially burdensome.

The Board recognizes that the Deputy Zoning Commissioner attempted to insure that both parties were in a position to come to an agreement in this issue, and in so doing, perhaps may have overstepped his authority. The Zoning Commissioner's Rules of Procedure stipulate a requirement, which is not optional, in filing a Petition for Special Hearing in matters such as nonconforming use. This Board finds that the initial filing requirements by the Deputy Zoning Commissioner were not enforced. Therefore, the Board finds that in allowing the Petitioner to file without a site plan, the Deputy Zoning Commissioner has overstepped his authority.

Further, the Baltimore County Zoning Regulations (BCZR), Section 500.14C, stipulates that the Zoning Commissioner (or in his stead, Deputy Zoning Commissioner) shall send to the Chesapeake Bay Critical Area Commission a complete copy of the application and the recommended findings and the hearing notice, pursuant to matters within the Chesapeake Bay critical area, such as this case. The Board has reviewed the entire file and, on its own, finds that no such action was taken in this particular matter.

BCZR Section 500.14D reads:

"The Zoning Commissioner shall not render a decision on any such petition of which a copy must be sent to the Commission until the Zoning Commissioner has received notice of receipt by the Commission, and any such decision in violation of this paragraph shall be null and void."

For this Board to allow a continuance in this matter would be tantamount to allowing the Petitioner to skip the procedures properly before the Zoning Commissioner and place the special hearing in original jurisdiction before this Board. Section 501.6 of the BCZR indicates that appeals from the Zoning Commissioner shall be heard by the Board of Appeals de novo.

Section 501.7 of the BCZR reads:

"The decision and order of the Board of Zoning Appeals may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the Order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to zoning regulations and restrictions."

In light of the limitations placed upon the Board of Appeals in the de novo hearing pursuant to BCZR Section 501.7, this Board is placed in an appellate role in such matters, and not in one of original jurisdiction. Therefore, this Board is not in a position to grant a continuance.

The limitations placed on the Board under BCZR Section 501.7 state that the Board may not remand for hearing pursuant to the requirements lacking as stated above; however, because of noncompliance with BCZR Section 500.14D, this Board finds that the

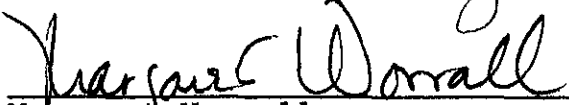
decision of the Deputy Zoning Commissioner is null and void.

The Deputy Zoning Commissioner stated in his opinion certain feelings as to the merits of the case and may have found for the Petitioner, but for the lack of sufficiency in the merits to make a finding for legal nonconforming use. Because the decision of the Deputy Zoning Commissioner is null and void, it is the opinion of this Board that the Petitioner may be allowed to file a new Petition for Special Hearing to determine that the 22 dwelling units are a legal nonconforming use, so long as the Petitioner is willing to submit a lawful Petition.

THEREFORE, pursuant to the aforementioned, the Motion for Dismissal be and is hereby GRANTED without prejudice, and the Order of the Deputy Zoning Commissioner dated January 17, 1996 is declared null and void.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Margaret Worrall

Date of issuance:

October 17, 1996


Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 17, 1996

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 95-412-SPH
Joseph E. Buchanan II

Dear Mr. Clark:

Enclosed is a copy of the Board's Ruling on Motion to Dismiss issued this date by the County Board of Appeals in the subject matter.

Very truly yours,

Charlotte E. Backhoff for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Joseph E. Buchanan II
J. Carroll Holzer, Esquire
John M. Hession, President
Back River Neck Community Assn.
Keith Roberts, President
The Holly Neck Improvement Assn.
Dr. Jack U. Mowll
Maria C. Diaz, M.D.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 17, 1996

Mr. Ernest Vandermast
87 Hadlock Road
Falmouth, Maine 04105

RE: PETITION FOR SPECIAL HEARING
N/S Vandermast Lane at its intersection w/Goff Road
(Vandermast Property)
15th Election District - 5th Councilmanic District
Joseph E. Buchanan, II - Petitioner
Case No. 95-412-SPH

Dear Mr. Vandermast:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert W. Lazzaro, Esquire
102 W. Pennsylvania Avenue, Suite 200, Towson, Md. 21204

Mr. Joseph E. Buchanan, II, 9712 Magledt Road, Baltimore, Md. 21234

Mr. Keith Roberts, President, The Holly Neck Improvement Assoc.
1910 Marsh Road, Baltimore, Md. 21221

Mr. John M. Hessian, President, Back River Neck Peninsula Comm. Assoc.
P.O. Box 16754, Baltimore, Md. 21221

Dr. Jack U. Mowll, 1030 Goff Road, Baltimore, Md. 21221

People's Counsel; Case File



Petition for Special Hearing

95-412-5PH

to the Zoning Commissioner of Baltimore County

for the property located at VANDERMET RD & VANDERMET LANE & GOLF RD
which is presently zoned RC5/RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

THE LEGAL NON CONFORMING USE OF 22
EXISTING UNITS

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner.

Address

Phone No

(Type or Print Name)

City

State

Zipcode

Signature

Address

Phone No.

City

State

Zipcode

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

5/10/95

ORDER RECEIVED FOR FILING

Date

By



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-412-SPH

District 12th Date of Posting 5/22/95
Posted for: Special Hearing
Petitioner: Joseph E. Buchanan, II
Location of property: 2209-2341 Van der voort Lane
1000-1021 GOFF RD.
Location of Signs: (3) Facing road ways, on properties being zoned
Remarks: _____
Posted by M. H. H. H. Date of return: 6/2/95
Signature
Number of Signs: 3



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-412-SPH

District 15th

Date of Posting 3-21-96

Posted for: Appeal

Petitioner: Joseph E. Buchanan, II

Location of property: N/S VANDERMAST LN at Goff Rd
(VANDERMAST Property)

Location of Signs: _____

Remarks: _____

Posted by Mark Gavel

Signature

Date of return: _____

Number of Signs: 1



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 127820

DATE

2/23/96

ACCOUNT

R-001-6150

AMOUNT

\$ 210.00

RECEIVED
FROM:

NOLAN PLUNKOFF & WILLIAMS

FOR:

APPEAL FEE CASE No 95-412-SPH

JULIUS ROBERTSON

210.00

2000023000-28 75

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-412-SFH

Account: R-001-6150

Number

Date

5/10/95

Item # 402

Taken In By: [Signature]

Buchanan, Joe - 2209 to 2341 border most PL
1,000 to 1021 Goff PL

\$ 250.00 - Special Hury (miller, 11/1/95) - 040

\$ 105.00 - 3 signs (\$35.00 each) - 080

\$ 355.00 Total

03A03M0047M1CHR0

BA 0012556PM03-10-95

\$355.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will

hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-412-SPH
(Item 402)

2209 to 2341 Vandermast Lane

1000 to 1021 Goff Road
corner N/S Vandermast Lane, W/S Goff Road

15th Election District

6th Councilmanic

Legal Owner(s):

Joseph E. Buchanan, II

Hearing: Tuesday,

June 13, 1995 at 2:30 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the legal non-conforming use of 22 existing units.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
5/334 May 25.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

5/25, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publication

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 402

Petitioner: Joseph G. Buchanan, III

2209 to 2341 Vandermaast Rd. Lane

Location: 1000 to 1021 Poff Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph E Buchanan

ADDRESS: 9712 Magledt Rd

Balto. md 21234

PHONE NUMBER: 882-5827

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
May 25, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph E. Buchanan
9712 Magledt Road
Baltimore MD 21234
882-5827

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-412- SPH (Item 402)
2209 to 2341 Vandermast Lane
1000 to 1021 Goff Road
corner N/S Vandermast Lane, W/S Goff Road
15th Election District - 5th Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
HEARING: TUESDAY, JUNE 13, 1995 at 2:30 p.m. in Room 118, Old Courthouse

Special Hearing to approve the legal non-conforming use of 22 existing units.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-412- SPH (Item 402)
2209 to 2341 Vandermast Lane
1000 to 1021 Goff Road
corner N/S Vandermast Lane, W/S Goff Road
15th Election District - 5th Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
HEARING: TUESDAY, JUNE 13, 1995 at 2:30 p.m. in Room 118, Old Courthouse

Special Hearing to approve the legal non-conforming use of 22 existing units.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph E. Buchanan

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

June 3, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO, 95-412-SPH

JOSEPH E. BUCHANAN II -Petitioner
N/s Vandermast Lane at Goff Road (Vandermast Property)
15th Election District
5th Councilmanic District

SPH -Approval of 22 dwelling units on property as legal nonconforming use.

1/17/96 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

ASSIGNED FOR:

TUESDAY, AUGUST 6, 1996 at 10:00 a.m.

cc: C. William Clark, Esquire
Joseph E. Buchanan II

Counsel for Appellant /Petitioner
Appellant /Petitioner

~~Robert W. Lazzaro, Esquire~~

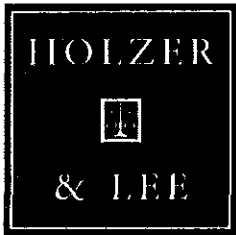
Keith Roberts, President
The Holly Neck Improvement Assn.
John M. Hession, President
Back River Neck Peninsula Comm. Assn.
Dr. Jack U. Mowll
Maria C. Diaz, M.D.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Post-It® Fax Note	7671	Date	# of pages
To	Sterling Leese	From	Kayle
Co./Dept.		Co.	CBA
Phone #		Phone #	
Fax #	825-4923	Fax #	887-3182

Kathleen C. Bianco
Administrative Assistant





LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE
J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

July 30, 1996

Kathleen Bianco, Administrative Assistant
Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

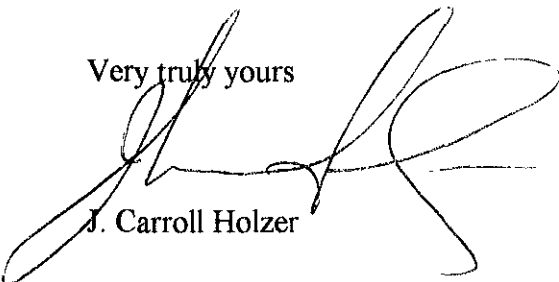
Re: Joseph E. Buchanan, Petitioner
Case No. 95-412-SPH

Dear Ms. Bianco:

Through this letter, I wish to enter my appearance on behalf of my clients, the Back River Neck Community Association. I understand through my clients that a hearing has been scheduled by the CBA for Tuesday, August 6, 1996 in the above matter. Inasmuch as I will be leaving for vacation on Friday, August 2 and will return on Monday, August 12, I respectfully request that the hearing be postponed until a later date.

If you should have any questions, please call me at 825-6961.

Very truly yours



J. Carroll Holzer

JCH:clg

cc: C. William Clark, Esq.
Keith Roberts, President
John Hession, President
Dr. Jack Mowall
Maria C. Diaz, M.D.
People's Counsel

PP To _____



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

July 31, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-412-SPH

JOSEPH E. BUCHANAN II -Petitioner
N/s Vandermast Lane at Goff Road (Vandermast Property)
15th Election District
5th Councilmanic District

SPH -Approval of 22 dwelling units on property as legal nonconforming use.

1/17/96 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

which was scheduled for hearing on August 6, 1996, has been POSTPONED at the request of Counsel for Back River Neck Comm. Assn.; and has been

REASSIGNED FOR: TUESDAY, OCTOBER 8, 1996 at 10:00 a.m.

cc: C. William Clark, Esquire Counsel for Appellant /Petitioner
Joseph E. Buchanan II Appellant /Petitioner

J. Carroll Holzer, Esquire Counsel for Back River Neck C.A.
John M. Hession, President
Back River Neck Community Assn.

Keith Roberts, President
The Holly Neck Improvement Assn.
Dr. Jack U. Mowll
Maria C. Diaz, M.D.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator



Case NO. 95-412-SPH

Joseph E. Buchanan, III Petitioner

N/S of Vandermast Lane at intersection with
Goff Road (Vandermast Property)

15th Election District

Appealed: 2/14/96

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

Mr. Joseph E. Buchanan, Jr.
9712 Magledt Road
Baltimore, Maryland 21234

RE: Item No.: 402
Case No.: 95-412-SPH
Petitioner: J. E. Buchanan, Jr.

Dear Mr. Buchanan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 22, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

A

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 390, 399, 402, 403 and 407.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405,
406, 407, 409, 410 AND 411.

RECEIVED

MAY 30 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 30, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 30, 1995
Items 401, 402, 406, and 407

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-16-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 402 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

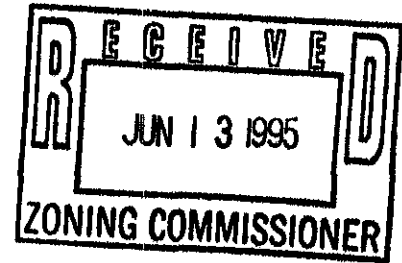
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #402 (95-412 SPH)
Cedar Beach
Zoning Advisory Committee Meeting of May 22, 1995

June 13, 1995



The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

The Critical Area Criteria states the following:

"After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances."

Any future expansion of these structures, including associated sewer line and grinder pump installations, must be in compliance with all Critical Area regulations.

In addition, the structure labeled "vacant building" is collapsed except for a small brick portion on the east end.

JLP:NP:sp

c: Mr. Joseph E. Buchanan

CEDAR/DEPRM/TXTSBP



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 1996

Robert W. Lazzaro, Esq.
Heisler, Williams, & Lazzaro, LLC
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S of Vandermast Lane at Goff Road
Vandermast Property
District: 15 c 5
Joseph E. Buchanan, II - Applicant
Case No.: 95-412-SPH

Dear Mr. Lazzaro:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1996 by C. William Clark, Esq. on behalf of Joseph E. Buchanan, II and Ernest Vandermast, III. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to contact the Board at (410) 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

CJR

AJ:ckr

c: C. William Clark, Esq.
Joseph E. Buchanan, II
Keith Roberts, Holly Neck Improvement Assn, Inc.
John M. Hession, Back River Neck Peninsula Community Assn.
Dr. Jack U. Mowll
People's Counsel



APPEAL

Petition for Special Hearing
N/S of Vandermast Lane at intersection with Goff Road
Vandermast Property
Joseph E. Buchanan, II - Petitioner
15th Election District - 5th Councilmanic District
Case No. 95-412-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting and Photographs

Certificate of Publication

Zoning Plans Advisory Committee Comments (6)

Petitioner(s) and Protestant(s) Sign-in Sheets (2)

Petitioner's Exhibits

1 - Site Plan

2 - 200' Scale Planimetric Map

3 - Baltimore Gas & Electric Maps

Miscellaneous Correspondence and Documents (16)

Deputy Zoning Commissioner's Order dated January 17, 1996

Notice of Appeal received on February 14, 1996 from C. William Clark, Esq.

NOTIFICATION LIST

C. William Clark, Esq., Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204

Joseph E. Buchanan, II, 9712 Magledt Road, Baltimore, MD 21234

Robert W. Lazzaro, Esq., 102 Pennsylvania Avenue, Suite 200, Towson, Maryland 21204

Mr. Keith Roberts, President, The Holly Neck Improvement Assn., Inc., 1910 Marsh Road, Baltimore, MD 21221

Mr. John M. Hession, President, Back River Neck Peninsula Community Assn., P. O. Box 16754, Baltimore, MD 21221

Dr. Jack U. Mowll, 1030 Goff Road, Baltimore, MD 21221

Peoples' Counsel for Baltimore County

Arnold F. Keller, III, Director, Office of Planning and Community Conservation

Lawrence E. Schmidt, Zoning Commissioner

Arnold Jablon, Director, Department of Permits and Development Management

Docket Clerk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Vandermast Property File DATE: April 28, 1995

FROM: David L. Thomas *DLT*
Assistant to the Director, DPW

SUBJECT: Vandermast Property

On Wednesday, April 26, 1995, Mr. E. Vandermast and his agent, Joseph E. Buchanan, together with their attorney, Mr. Lazzaro of Venable Baetcher & Howard, appeared before District Court of Maryland, Judge Alexander Wright presiding, on criminal charges brought on behalf of the State by Baltimore County DEPRM concerning health hazards due to inadequate maintenance of on-site private sewage disposal systems. The State (County) was represented by Bill Jensen of the Office of Law.

Following extended off-the-record discussion, Mr. Vandermast agreed to comply with a four-point plan to resolve the problem (see attached). Judge Wright then accepted a request for placing the case in "Stet" which defers the criminal case for one year's time during which Vanderemast is to comply with the agreed-to plan; if he does comply, the case would not need to be re-opened.

Tom Ernst of DEPRM will maintain a file documenting Vandermast's compliance with Point (1).

Immediately following the court session, I took Mr. Buchanan to the Zoning Counter in the County Office Building and observed him set an appointment with Mitchell Kellman of ZADM to apply for a hearing before the Zoning Commissioner to establish non-conforming use status for the subject property (Point (2)). Following this, I provided Mr. Buchanan with the necessary information to file for a Water & Sewer Plan amendment (Cycle XIII) (Point (4)). On Friday, April 28, 1995, at 2:30 PM the amendment petition was filed.

DLT/s

Attachment



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 1996

Robert W. Lazzaro, Esq.
Heisler, Williams, & Lazzaro, LLC
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S of Vandermast Lane at Goff Road
Vandermast Property
District: 15 c 5
Joseph E. Buchanan, II - Applicant
Case No.: 95-412-SPH

Dear Mr. Lazzaro:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1996 by C. William Clark, Esq. on behalf of Joseph E. Buchanan, II and Ernest Vandermast, III. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to contact the Board at (410) 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

CR

AJ:ckr

c: C. William Clark, Esq.
Joseph E. Buchanan, II
Keith Roberts, Holly Neck Improvement Assn, Inc.
John M. Hession, Back River Neck Peninsula Community Assn.
Dr. Jack U. Mowll
People's Counsel



APPEAL

Petition for Special Hearing
N/S of Vandermast Lane at intersection with Goff Road
Vandermast Property
Joseph E. Buchanan, II - Petitioner
15th Election District - 5th Councilmanic District
Case No. 95-412-SPH

- ✓ Petition for Special Hearing
- ✓ Description of Property (DEED)
- ✓ Certificate of Posting and Photographs
- ✓ Certificate of Publication
- ✓ Zoning Plans Advisory Committee Comments (6)
- ✓ Petitioner(s) and Protestant(s) Sign-in Sheets (2)
- ✓ Petitioner's Exhibits
 - ✓ 1 - Site Plan
 - ✓ 2 - 200' Scale Planimetric Map
 - ✓ 3 - Baltimore Gas & Electric Maps
- ✓ Miscellaneous Correspondence and Documents (16)
- ✓ Deputy Zoning Commissioner's Order dated January 17, 1996
- ✓ Notice of Appeal received on February 14, 1996 from C. William Clark, Esq.

85 FEB 23 11:16 AM

✓ E

NOTIFICATION LIST

*C. William Clark, Esq., Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204

Joseph E. Buchanan, II, 9712 Magledt Road, Baltimore, MD 21234

~~Robert W. Lazzara, Esq., 102 Pennsylvania Avenue, Suite 200, Towson, Maryland 21204~~

Mr. Keith Roberts, President, The Holly Neck Improvement Assn., Inc., 1910 Marsh Road, Baltimore, MD 21221

Mr. John M. Hession, President, Back River Neck Peninsula Community Assn., P. O. Box 16754, Baltimore, MD 21221

Dr. Jack U. Mowll, 1030 Goff Road, Baltimore, MD 21221

Peoples' Counsel for Baltimore County

Arnold F. Keller, III, Director, Office of Planning and Community Conservation

Lawrence E. Schmidt, Zoning Commissioner

Arnold Jablon, Director, Department of Permits and Development Management

Docket Clerk

Maria C. Diaz, M.D.

6 Volz Avenue

Baltimore, MD 21220

J. Carroll Holzer, Esquire

HOLZER AND LEE

305 Washington Ave, Suite 502

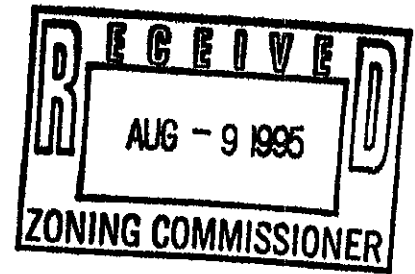
Towson, MD 21204

COUNSEL FOR BACK RIVER C.A.

(FOR NOTIFICATION)

Notes out
leave in file as
cc 4/19/76

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Timothy M. Kotroco
Deputy Zoning Commissioner

DATE: July 28, 1995

FROM: David L. Thomas, P.E. *DLT*
Assistant to the Director, Department of Public Works

SUBJECT: Vandermast Property
Case No. 95-412 SPH

This is to advise that the Planning Board will be considering the subject property as Map issue 95-06 of the Cycle XIII Amendments to the Water and Sewerage Master Plan at its Sept. 7, 1995, Ad Hoc Committee Meeting and on Sept. 21, 1995 meeting for a vote by the full Board.

As you know, a critically important issue will be your determination of the number of dwelling units allowable on the site. Should your office require additional information, the following contact persons are available for assistance:

Valerie Roddy, Planning Office, ext. 3211
Tom Ernst, DEPRM, ext. 2762
Dave Thomas, DPW, ext. 3451

If there are questions, please feel free to contact me at the above number.

DLT:mb

cc: Valerie Rodddy
Tom Ernst
Cycle XIII File

MEM260/TXTDLT

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 10, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

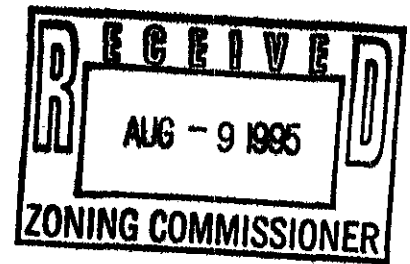
SUBJECT: Item #402

The petitioner did not meet the procedures for petition filing. He insisted on filing due to a deadline imposed by a judge at a court hearing. The petitioner was advised that this was filed incorrectly and that the case could possibly be dismissed.

If there are any questions, please contact me at 3391.

MJK:scj

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Timothy M. Kotroco
Deputy Zoning Commissioner

DATE: July 28, 1995

FROM: David L. Thomas, P.E. *DLT*
Assistant to the Director, Department of Public Works

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Dave Thomas, DPW, ext. 3451

If there are questions, please feel free to contact me at the above number.

DLT:mb

cc: Valerie Rodddy
Tom Ernst
Cycle XIII File

MEM260/TXTDLT

VANDERMAST PROPERTY
PLAN for RESOLUTION OF SEWER CONNECTION ISSUES

1. To address the immediate health hazard, the owner shall maintain the existing septic systems in such a way as to prevent discharge of sewage onto the ground surface.
2. In order to establish the number of dwelling units to which the property is legally entitled, the owner shall within 10 days petition the Zoning Commissioner of Baltimore County for a determination of non-conforming use under Section 104 of the BCZR.
3. The owner shall connect all existing dwellings on the site, not to exceed the number determined by the Zoning Commissioner in (2) above, to the Cedar Beach Sewer System by means of a private on-site sewer system consisting of pressure sewers and grinder pumps designed, constructed and maintained privately in accordance with the requirements of Baltimore County.
4. In order to provide for the necessary Maryland Department of the Environment permit for the on-site sewer, the owner shall petition the County for an amendment to the Water & Sewer Master Plan to change the areal designation of the site from "no planned service" to "capital facilities area", with the condition that the number of dwelling units to be served shall not exceed that determined by the Zoning Commissioner as in (2) above. The filing deadline for Amendment Cycle XIII is May 1, 1995.

DLT/s.

6/03/96 -Notice of Assignment for hearing scheduled for Tuesday,
August 6, 1996 at 10:00 a.m. sent to following:

C. William Clark, Esquire
Joseph E. Buchanan II
Robert W. Lazzaro, Esquire
Keith Roberts, President
The Holly Neck Improvement Assn.
John M. Hession, President
Back River Neck Peninsula Comm. Assn.
Dr. Jack U. Mowll
Maria C. Diaz, M.D.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/30/96 -Letter from J. Carroll Holzer, Esquire, entering appearance on behalf of Back River Neck Community Association; requesting postponement of 8/06/96 hearing due to schedule conflict.

-Contacted Counsel for Appellant /Petitioner and advised of request received this date; objection to request to be sent by FAX to CBA.

7/31/96 -FAX letter from C. Clark indicating objection to above request. Advised Mr. Clark by telephone that Postponement would be granted; worked with both Mr. Holzer and Mr. Clark as to date for rescheduling; determined that both parties will be available on Tuesday, October 8th; to be PP'd and reassigned to that date.

7/31/96 -Notice of PP and Reassignment sent to parties; matter rescheduled to Tuesday, October 8, 1996 at 10:00 a.m.

8/01/96 -Original letter of opposition to postponement request hand-delivered to office by Mr. Clark. He is aware that postponement has been granted and that case has been rescheduled to October 8th, with notice having been sent.

10/08/96 -Convened hearing before CBA; PC, joined by Mr. Holzer, moved for dismissal (lack of site plan). Board heard argument from all counsel on Motion to Dismiss. Publicly deliberated said Motion at conclusion of oral argument. Unanimous ruling by Board that Motion to Dismiss shall be GRANTED; written Ruling to be issued; appellate period to run from date of written decision and not today's date.

PETITION PROBLEMS AGENDA OF MAY 22, 1995

#402 --- MJK

1. Need name of legal owner on petition form.
2. Need authorization for "legal agent" to sign for legal owner.

#403 --- JRA

1. Receipt was not given to petitioner or attorney.

#404 --- JLL

1. Need typed or printed title of person signing for legal owner.

#406 --- JJS

1. Incorrect zoning on petition form - VR 5.5????

#410 --- JJS

1. Need legal owner's telephone number on petition form.
2. Zoning on petition form does not agree with zoning on folder.
3. Review information not completed on bottom of petition form.
4. No descriptions in folder (see John Sullivan's memo).

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION /Motion to Dismiss

IN THE MATTER OF: Joseph E. Buchanan II -Petitioner
Case No. 95-412-SPH

DATE : October 8, 1996 /at conclusion of argument on
Motion to Dismiss

BOARD /PANEL : Robert O. Schuetz (ROS)
Margaret Worrall (MW)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were C. William Clark, Esquire, counsel for Appellants /Petitioners; J. Carroll Holzer, Esquire, on behalf of Back River Neck Community Assn.; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --for public deliberation of matter on appeal in Case No. 95-412-SPH as to Motion to Dismiss; oral argument received on the record this date.

ROS: For the benefit of those in the room, and we have a fairly good-sized audience, this portion of the proceeding is not going to be part of the official record. I would caution people against quoting from what you might hear here because the deliberation process is exactly that. You have been invited to participate in essentially a backroom session where the Board members openly air the issues as though in conversation with one another; as though on a jury. Thank you for your patience and for your indulgence in this issue.

It appears to me that the matter that we have before the Board has taken a number of, what I would call, improper turns. I think that the Deputy Zoning Commissioner was in a very difficult situation where he had an improper filing, and where the Petitioner was compelled by the Court to act in a certain fashion and in a prescribed timeframe. Nonetheless, the Deputy Zoning Commissioner is obliged to make findings of fact based on information provided for him. And that's where things fall apart. And I think that the Deputy Zoning Commissioner was probably acting outside of his authority in doing so. He does not have the authority to forsake the requirements under his own rules. That's one issue.

The other issue is that the Zoning Commissioner is actually precluded from making any decision for or against it without the advice and counsel of the Chesapeake Bay Critical Areas

Commission in cases, such as this one, falling within the critical area; that the Deputy Zoning Commissioner should have refrained from any decision without the full information from the authorities in those matters. In effect, to make a long story short, frankly I'm leaning toward granting the Motion for Dismissal, but the effect is that the Board's order should include such information as to require the Petitioner to go ahead and re-file, because, in my view, he has a dismissal without prejudice because of the improper acts of the Zoning Commissioner below. Therefore, unlike what the Deputy Zoning Commissioner had indicated in his opinion which states that the effect, if the Protestants won't come together, is that the opportunity is lost on that particular property, because he acted outside his authority, the case could land back in his lap, and the Petitioner would have the opportunity to cure what has been a deficiency in this matter.

At this point, subject to what my colleagues will provide, I would grant the Motion for Dismissal and that Opinion should include such language as to outline the deficiencies in the Zoning Commissioner's Order from below. Thank you.

CLM: This has indeed been an interesting case, and during the recess, I had the opportunity to digest the oral arguments by counsel on both sides; did a complete and thorough review of the file; special hearing to determine whether 22 dwellings can be approved as a legal, nonconforming use. In prior cases on this Board in a special hearing, and particularly nonconforming uses, we have always had the site plan with the petition; a plan drawn up to engineering scale. And if you read the rules of practice and procedure of the Zoning Commissioner, under rule 2, they are very specific concerning petitions and preliminary procedures; reviewed by me during the recess. The site plan is an important document. Gives opportunity to the Deputy Zoning Commissioner to analyze and give written comments regarding conflicts or problems. This involves a substantial number of County agencies, including Building Engineer, health, traffic, fire, and so forth, only a few mentioned in Rule 2.

While I appreciate Mr. Clark's comments that the necessary materials are available in the file, it's not a definitive site plan that singularly describes the property. It's difficult for me to see how any County agency can comment about the property without descriptive site plan as required by the Zoning Commissioner's rules and regulations. In fairness to all parties, the descriptive site plan encompassing ingredients of rule 2 is an essential ingredient without which the Protestants are denied the opportunity to review same and adequately prepare case before this Board.

I believe Counsel for Protestants and People's Counsel have adequately stated the case that it cannot go forward without the site plan, in accordance with rule 2 of the Zoning Commissioner's rules; a plan that all parties have reviewed and are able to challenge at the appropriate time. While it may have been a professional courtesy, there is no legal requirement that notice be given, and a close reading of the Zoning Commissioner's order indicates that no site plan had been submitted as required. There is a mutual hardship imposed, both as to the Protestants who gave of their time to testify; and the Board recognizes that Petitioners have travelled a substantial distance to be present today. But the hardship, if imposed, was caused, I think, by the Appellants' failure to submit that site plan which, in my opinion, is an essential ingredient of any hearing.

The situation needs attention; valuable land; health and public safety questions. My original opinion was to perhaps grant a continuance of this hearing with a 120-day period for a site plan to be prepared and submitted to agencies. However, this Board, while having appellate jurisdiction, is engaged in de novo hearings, and a review of the file shows that the Deputy Zoning Commissioner may have overstepped his bounds in proceeding with his hearing originally without the required site plan. Therefore, I think the proceeding should have been stopped at that point, and the Deputy Zoning Commissioner should have signified that a continuance was possible if a site plan were submitted, and he could have heard arguments on both sides.

In conclusion, I would agree with the Chairman's proposal that the Motion be granted with a suggestion that a re-application be made to the Deputy Zoning Commissioner for a re-hearing upon submission of the appropriate site plan.

MW: I think my colleagues have covered this extensively. I too reviewed the case and especially rule 2, and I agree that there is no shilly-shallying around with rule 2 -- it is required, and in a certain way.

From where we are, there is no site plan in the file, and we, therefore, cannot go forward either; and I would agree that the Motion to Dismiss should be granted as my colleagues have indicated.

ROS: I did want to mention a couple of things.

It is my view that for us to grant a continuance is tantamount to accepting original jurisdiction. It's not for the Board to accept a filing that should have been resolved and cured

below. Whether or not the Court agrees, I don't know, but that's for someone else to decide at another time.

That is what drives my decision -- we properly could grant a continuance and go ahead, if the Court were to tell us that we should have done so. But I don't think we have that authority. The Deputy Zoning Commissioner should accept the appropriate filing for the special hearing. He has broad authority under 500.7; can hear things again and again and again, as necessary for the purpose of "...such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals...."


We have a situation here unresolved in which DEPRM is not happy because a sewage situation is unresolved. The Petitioner believes he has a legal nonconforming use. The Deputy Zoning Commissioner believes it is so, but the evidence is not sufficient for a legal finding to support it. Essentially, we have nothing to support anything in this particular case.

I think the Deputy Zoning Commissioner or the Zoning Commissioner, himself, would be well within authority to hear it over again if the Petitioner is willing to cure the deficiencies.

That concludes this matter. There will be a written opinion and order which will be issued pursuant to these deliberations. The appellate period will run from the date of that written Order.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 21, 1996

Mr. Keith Roberts
President, Holly Neck Improvement Assoc.
1910 Marsh Road
Essex, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
(Vandermast Property)
Case No. 95-412-SPH

Dear Mr. Roberts:

In response to your letter dated January 25, 1996 regarding my decision in the above-captioned matter, the following comments are offered.

First, I would like to thank you for taking the time to write to me concerning this matter. I admire individuals such as yourself and the many other residents in your community who have made an effort to make their community a better place in which to live. I believe that citizen participation in the development process does make a difference and has an impact on the way neighborhoods are developed in Baltimore County.

Concerning my decision in the above-captioned matter, I again state that I believe we have all lost a valuable opportunity to make a tremendous improvement to that property, particularly from an environmental standpoint. I understand that the community and the property owner were negotiating to resolve the problems involved with that property. However, since they were unable to reach a final resolution to the many issues that pertain to that property, the matter came before me for a hearing.

As to the specifics of your letter, my decision did not place blame on anyone for the deplorable condition of the Vandermast property. My decision merely questioned why the community was not willing to work out an acceptable resolution to the existing problem. In a letter following our meeting at the property, one community association advised me that they would only accept a development of 5 to 7 houses on that entire 60-acre parcel. This is what they believe was the maximum number of houses which could be built on this parcel, based on the current zoning of the site. Another letter even suggested that no houses be permitted. Because the site plan submitted was not prepared by an engineer, it was difficult to determine the exact number of houses that would be permitted, given the split zoning of the site as R.C.5 and R.C.20. However, based on what was



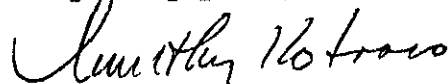
Mr. Keith Roberts
President, Holly Neck Improvement Assoc.
February 21, 1996
Page 2

submitted, the County calculated the number of density units for this 60-acre parcel to be somewhere around 15 to 17, not the 5 or 7 as suggested by the community association. Therefore, I do not accept the entire substance of your letter as being 100% accurate.

As I stated in my Order, the current County administration is putting forth tremendous effort to revitalize the waterfront areas of our County. To that end, the County Executive has proposed a development of retail and restaurant uses in and around the Martin's lagoon area of Wilson Point. Councilman Guardina has also proposed a development on the Hopkins Landing site located just off Back River Neck Road. No sooner did the County Executive announce his plans to revitalize and develop the Martin's lagoon area of Wilson Point then did appear a two-page article in the Baltimore Sun, complete with photographs, showing how one particular resident vows to vehemently fight any development of the Martin's lagoon area. This objection to the Martin's lagoon development was raised even prior to any plans being submitted to show what the development entails. I find it ironic that your letter would appear on my desk only a few days after that two-page article appeared in the Baltimore Sun. I cannot understand how this anti-revitalization sentiment promotes cooperation with Baltimore County Government's community conservation efforts.

I am always willing and available to meet with community associations and would welcome an opportunity to meet with yours. Perhaps we could discuss this issue in greater detail. In the event you would like for me to meet with your association, you can reach me at 887-4386.

Very truly yours,



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

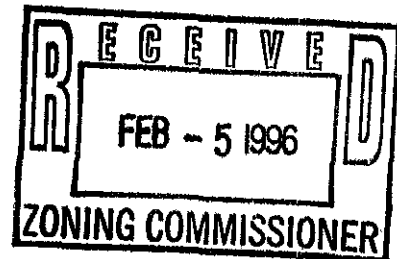
TMK:bjs

cc: Case File

The Holly Neck Improvement Association, Inc.
**1910 Marsh Rd.
Essex, Md. 21221**

January 25, 1996

Deputy Zoning Commissioner Kotroco
400 Washington Ave. Suite 112
Towson, Md. 21204



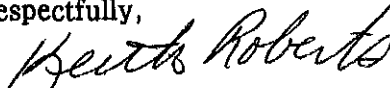
Dear Mr. Kotroco,

On behalf of the members of the Holly Neck Improvement Association, Inc. I would like to thank you for your decision on case No. 95-412-SPH (the Vandermast Property). As you stated in your decision, since Mr. Vandermast could not prove that the dwellings existed prior to 1945, and he failed to show how each residence has been used since 1945, we believe you had no other choice but to deny his request.

We must however, take a great deal of exception to the remaining portion of your decision in which you appear to not only criticize, belittle, and berate the Community Associations and neighboring residents who were involved in this Special Hearing, but you seem to place the blame for the deplorable condition of the Vandermast property on us. Your words make it sound as though we are stubborn and unwilling to compromise, when in fact quite the opposite is true. You fail to mention that the community groups were willing to accept the legal limit of residences on that property based on its current zoning. You fail to mention that community leaders requested a meeting with the Vandermast representatives but their request was not accepted. You fail to mention that area residents had indeed presented plans to make the property an upscale waterfront community. You also fail to mention that the community associations involved in this hearing are very active and involved in the Community Conservation effort of the County Government you referred to.

Under the lead of the Back River Neck Peninsula Community Association, Inc., other community groups and area residents were trying their best to improve this property and make our entire peninsula a better place in which to live. Your comments have done a great disservice to us all. It is felt that you owe our community an apology.

Respectfully,



Keith Roberts, President
Holly Neck Improvement Association

HEISLER, WILLIAMS & LAZZARO, L.L.C.

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102 W. PENNSYLVANIA AVENUE
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Telecopier (410) 828-7190

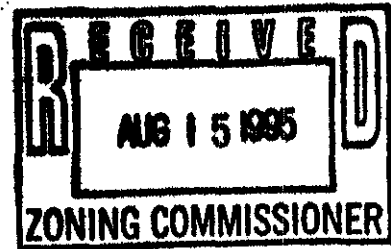
C. DAVID HEISLER
DANA O. WILLIAMS
ROBERT W. LAZZARO
JOHN C. HEISLER *

*Also admitted to the D.C. Bar

August 11, 1995

ESSEX OFFICE
435 EASTERN AVE.
SECOND FLOOR
ESSEX, MARYLAND 21221
(410) 686-1342

Timothy Kotroco, Zoning Commissioner
111 W. Chesapeake Avenue
Room 111
Towson, Maryland 21204



RE: My Client: Ernest Vandermast

Dear Tim:

I am writing on behalf of my client, Ernest Vandermast, who as you know, I did not represent in the Zoning hearing before you but who I am representing in the District Court in regard to criminal charges having been lodged against him at the behest of the Maryland Department of Environment. I just wanted to clarify some matters in this case.

Of primary importance in this matter is the fact that there exists a public health problem which has existed for some time and has been allowed to continue as a result of significant bureaucratic bungling which has been exacerbated by political lobbying and obstructionism which has been motivated by various self-interests of both individuals and groups. Primary among these groups and individuals is the Back River Neck Association.

The bottom line is that between 20 and 22 dwellings have existed on the Vandermast properties since prior to the end of World War II - predating the establishment of zoning laws in Baltimore County. At the present time 21 of these 22 dwellings are inhabited by families and individuals who are living among a continuing health hazard. The reason for the health hazard is simple. The ground on the Vandermast property will not hold water and hence, sewage rises up through the ground and bleeds off into Back River which is of course, a tributary of the Chesapeake Bay. Mr. Vandermast has gone to considerable expense in drilling holes throughout the property at the direction of the County in order to ascertain whether any part of the property would hold a septic. Unfortunately, none of the property is capable of holding any type

Timothy Kotroco, Zoning Commissioner
August 11, 1995
Page Two

septic system. Baltimore County has the engineering information that none of this ground will hold any water. The Maryland Department of Environment as well as Public Works also agrees that the only way to stop this health hazard is for Mr. Vandermast to be allowed to hook-up to the existing sewage system. At one time several years ago, Public Works in fact incorporated Mr. Vandermast's property into the master plan for public sewage. Once again, however due to political wrangling and individual self interests which apparently transcended the public health issue let alone the pollution issue, those interests prevailed and the master plan was changed so as to exclude Mr. Vandermast from the public sewage system. As I indicated to you previously, the County even ran a sewer line through Mr. Vandermast's property without his permission or his consent and without obtaining an easement.

While Mr. Vandermast has fought tireously against the bureaucrats, he has been stonewalled at every turn. This of course culminated in the Maryland Department of Environment having charged him criminally and has thus placed Mr. Vandermast in a severe catch 22 situation. Cheryl Sorrow of the Maryland Department of Environment who has been assigned to this matter agrees wholeheartedly that the only remedy is for these homes to be hooked up to public sewage. The Department of Public Works now agrees likewise and is ready, willing and able to permit Mr. Vandermast to hook-up to public sewage provided zoning supports the existence of the 22 dwellings on the property that need to be hooked up.

As I indicated to you during our telephone conversation, Mr. Vandermast is spending considerable sums of money in attempting to keep the septic systems pumped but all this does is eliminate a portion of the health hazard - it neither prevents it nor is it a reasonable long term solution. The reason for this is that when it rains, the ground fills with water and the sewage, even if it has just been pumped, rises to the surface and thereupon runs off into Back River. In addition, the sewage sits on the ground where little children play and this presents a significant health hazard to human beings.

I cannot underscore enough that the reason for the zoning petition and request for non-conforming use for 22 dwellings is not for future development. Obviously, there are a lot of other obstacles which lie ahead if Mr. Vandermast intends to further develop the property but that is not the issue here. The issue plain and simply is one of public health and pollution of the Chesapeake Bay and its tributaries. As you know, I was present

Timothy Kotroco, Zoning Commissioner
August 11, 1995
Page Three

during most of the hearing and I heard the individuals from the Back River Neck Association and the Cedar Beach Organization protesting the granting of a non-conforming use for these dwellings. Clearly, these people have their own self-interest in regard to their ownership of property around that area at heart and could care less about the public health issue or which to me seems somewhat ironic the pollution of Back River. Even those individuals however conceded that the dwellings have been there as long as anyone can remember and I believe the overwhelming testimony supports the fact that at least 22 dwellings existed on this property prior to the enactment of zoning for Baltimore County.

If Mr. Vandermast is granted a non-conforming use for the 22 dwellings, he will, thereupon, petition Public Works to allow him to hook-up to the public sewage. My understanding from the discussion that we had in the District Court is that this will cost him considerable additional sums of money but he is ready, willing and able to pay the same as his primary concern at this juncture is rectifying this current situation which has been allowed to continue for many years by the very bureaucrats who are pointing fingers at him. You cannot even begin to imagine how much time, money and effort Mr. Vandermast has spent in attempting to correct this situation all to no avail since the only solution is to hook-up to public sewage.

In closing, I would like to stress that the self-interests of a community group or individual homeowners and the politics which often stands in the way of rectifying a terrible situation should not be allowed to prevail in your decision. The public health issue should transcend all other considerations. I believe there is sufficient evidence from which you can find that at least 22 dwellings existed and were inhabited on this property prior to the enactment of the zoning regulations and have continued to be inhabited as individual dwellings unabated through the present. It will do absolutely no good for you to find that there are 6 or 7 or 10 dwellings for which a non-conforming use can be granted. Again, this will only alleviate a portion of the problem and the public health and pollution problem will continue. Obviously hooking up half of the dwellings to public sewage will not do anything to stop the sewage problem with respect to the other half of the dwellings.

The agreement under the Stet that was entered in the District Court called for Mr. Vandermast with the assistance of Public Works to petition for the zoning for the existing dwellings on the

Timothy Kotroco, Zoning Commissioner
August 11, 1995
Page Four

property and given that that hurdle is crossed to thereupon incorporate the dwellings into the master plan for public sewage through Public Works. The representatives of Public Works indicated that they would assist Mr. Vandermast and support him in this endeavor. This they have done as it is now clear to everyone that the concern of the Homeowners Association in that area over the future development of this property pales in comparison to the seriousness of the public health issue which must be resolved. If Mr. Vandermast cannot even obtain the appropriate zoning which will open the way for him to have these dwellings hooked-up to public sewage, he will inevitably be found in violation of the Stet, the case will be reopened and he stands to suffer serious consequences as a result of the public health nuisance. Based upon the numerous years and significant sums of money that Mr. Vandermast has invested in attempting to correct this problem, that would be most unfortunate and certainly, I would deem it a gross injustice.

Hopefully, you will see that politics should not play any role in your decision. The public health issue in this matter should transcend all other considerations and I am confident that you will do what is right in this matter.

I greatly appreciate your hearing me out and hope that you will keep these thoughts in your mind when you render your decision.

Very truly yours,



Robert W. Lazzaro

RWL/lk
cc: Ernest Vandermast

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHATZ

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

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JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1980)

WRITER'S DIRECT DIAL
823-

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

14 February 1996

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner for
Baltimore County, Maryland
Courthouse
Towson, MD 21204

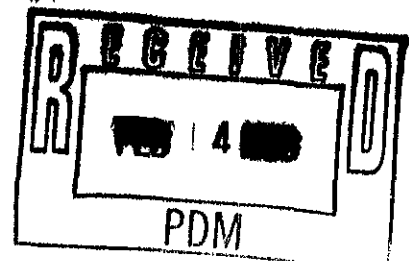
Re: Petition for Special Hearing
Vandermast Property - Case No. 95-412-SPH
Entry of Appearance and Appeal to the Board of Appeals

Dear Mr. Kotroco:

Please enter the appearance of C. William Clark, Esquire and Nolan, Plumhoff & Williams, Chartered, on behalf of the Petitioner, Joseph E. Buchanan, II, Developer, and Ernest Vandermast, II, individually as an owner of the real property and as agent for The Vandermast Joint Venture.

My clients are appealing from your Findings of Fact and Conclusions of Law, which represent a denial, but not a denial on the merits due to the failure to offer appropriate proof, and your Order is dated January 17, 1996.

Finally, since this is a Special Hearing, we believe that the appeal fee is \$175.00 for the Special Hearing, plus at least \$35.00 for one Board of Appeals Hearing Sign. Accordingly, we are enclosing herewith our check in the amount of \$210.00 representing this appeal fee and sign posting fee. If there are any additional charges or materials needed to perfect this appeal, please notify us immediately and it will be promptly delivered.



The Honorable Timothy M. Kotroco
14 February 1996
Page: 2

Thanking you and your staff for your kind attention to this
Entry of Appearance and Appeal, I am

Respectfully,

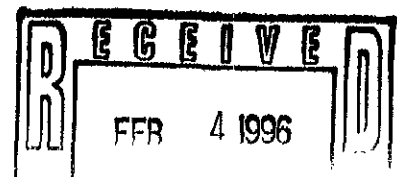

C. William Clark

CWC:mh

cc: Ms. Kathleen C. Bianco
Baltimore County Board of Appeals

Mr. Joseph E. Buchanan, II
Mr. Ernest Vandermast, III

Mr. John M. Hession
Ms. Mary L. Hession
Mr. Carl A. Maynard
Ms. Betty Christopher
Ms. Marion MacCrehan
Mr. Alfred E. Clasing, Jr.
Dr. Maria C. Diaz
Dr. Jack U. Mowll
Ms. Theresa Guckert



NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
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RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

31 July 1996

VIA HAND DELIVERY
VIA TELEFAX - 410/887-3182

The Honorable Robert O. Schuetz
Chairman, Board of Appeals for
Baltimore County
Court House
Towson, MD 21204

Re: Petition for Special Hearing
Vandermast Property
Case No. 95-412-SPH

Dear Chairman Schuetz:

Please be advised that I have been informed by Kathy Bianco, your administrative assistant, that she has received a letter entering the appearance of J. Carroll Holzer, Esquire, as counsel to the Protestants in the above-captioned case. I also understand that Mr. Holzer has requested a postponement of the trial which is now set for August 6, 1996.

Ordinarily, I would counsel my clients not to oppose such a postponement request in order for an attorney to have time to prepare a case since in the end that makes for a more orderly presentation and saves the Board time and my client money. However, in this case I have to take a different position, and my clients object to the postponement. Mr. Vandermast, the property owner, lives out of the State of Maryland and he had witnesses, also from out of state, prepared to come here for the hearing. They have purchased non-refundable airline tickets. Additionally, there have been other actions brought by environmental and health agencies of the government, which are awaiting the outcome of this case in order to allow my client to move forward to put this property in better order. Therefore, we are ready to proceed, and do not wish to have this matter put off to a later date.

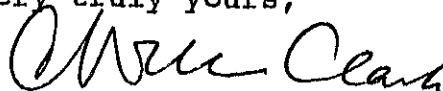
95-412-SPH
JUL 31 1996
FBI - BALTIMORE

The Honorable Robert O. Schuetz
31 July 1996
Page: 2

In the event that you grant a postponement, please contact my office so that we can reschedule this at the earliest available time.

Thank you for your anticipated cooperation.

Very truly yours,



C. William Clark

CWC:mh

cc: J. Carroll Holzer, Esquire
Mr. Joseph E. Buchanan, II
Mr. Ernest W. Vandermast, III



Maria C. Diaz, M.D., F.I.C.P., F.A.A.D.E.P.

GENERAL SURGERY AND NUTRITIONAL SUPPORT

6 VOLZ AVENUE

BALTIMORE, MARYLAND 21220

TELEPHONE: (410) 687-2118

April 22, 1996

TO WHOM IT MAY CONCERN

I would like to be put on the list to be notified of future developments or hearings concerning 95412SPH.

Thanks,

Maria C. Diaz M.D.

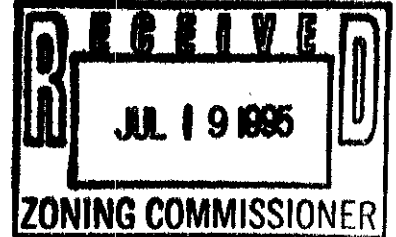
MCD/maf

BOARD OF APPEALS
Old Court House
Room 49
400 Washington Avenue
Towson, MD 21204

M. C. Diaz
✓
5/13/96

10
11
12
13
14

A Conceptual Design
For the Environmentally-Compatible Development
Of the Vandermast Place



Foreword

Created for BRNPCA as an example of a conceptual design which may be submitted by any member of BRNPCA or anyone entering the design competition outlined below. Such designs are to be used to select the optimum development plan for the Vandermast place as a basis for agreement between the Owner/developer and the BRNPCA. Once agreement is reached then the plan is to be submitted to the Baltimore County Zoning Board for approval.

Purposes:

- To preserve the environmental integrity of the Lower Back River Neck.
- To provide the owner and developer with an adequate return on their investment in time, money, and effort.
- To resolve the problems created by the present sub-standard housing on the place, with particular emphasis on the inadequate sewage-disposal facilities.
- To provide a showcase for the latest thinking and technological developments in environmentally-compatible dwellings.

Suggested Conceptual Design:

- Existing structures to be demolished.
- Five new dwellings to be constructed with the goal of demonstrating five different examples of modern environmentally-compatible dwellings.
- Compatibility would include optimum use of solar heating, natural insulation materials such as sod, use of piling-and-pad foundations

- to minimize excavation, and any other modern technology that would enhance environmental compatibility.
- Dwellings to be designed for the \$800,000/1,000,000 price range with a minimum of four bedrooms and all other amenities normally included in this price range.
 - Dwelling structures to be sold in fee for owner-occupancy only.
 - Land to be conveyed, in perpetuity, to the BRNPCA Land Trust for environmental conservation and preservation.
 - BRNPCA Land Trust to charge owner-occupants a ground rent to cover management expenses including fencing, gates, woodland management, open-space care, wetland preservation, care of habitat for endangered species of flora or fauna, shore line erosion control, etc.
 - Any owner-occupant will be permitted to use any part of the land area for such purposes as gardens, sport facilities (pools, tennis courts, playing fields, etc.), communication devices (aerials, satellite dishes, etc.), or transportation facilities (docks, helicopter pads, etc.), provided permission is obtained from all other owner-occupants in the project, the Board of Governors of BRNPCA, the Chesapeake Bay Critical Area Commission, and any other relevant public regulatory agency.

Design Competition

It is proposed that the final selection of a conceptual site plant and the design of each individual dwelling be made from submissions to a design competition open to anyone under the following conditions:

- Final selection to be made jointly by the owner/developer and BRNPCA.
- Final engineering and architectural plans to be made by professionals selected by the owner/developer.
- Competition, including judging and nomination of final designs, to be sponsored by a panel of representatives from such organizations as:
 - Conservation Organizations (Chesapeake Bay Foundation, Nature Conservancy, etc.)

- Media (Baltimore Sun, The Avenue, Maryland Public Television, Better Homes and Gardens, Southern Living, etc.)
- Government (Baltimore County Office of Planning and Zoning, Baltimore County Environmental Protection and Resource Management Department, Maryland Department of the Environment, Maryland Department of Natural Resources, Maryland Environmental Trust, etc.)
- Private Sector Manufacturers/Dealers of environmental conservation equipment and services (Solarex, etc.)
- Prizes to be Plaques, and citation on the gate post of the project. More interesting prizes might become available if any of the sponsors would care to contribute monetary awards, scholarships, etc.

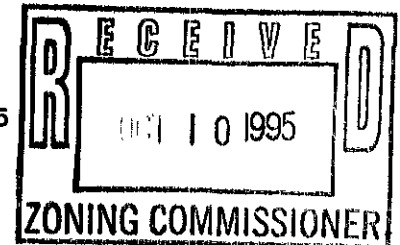
© 1995, Jack U. Mowll

Jack U. Mowll
682.2424

The Holly Neck
Improvement Association, Inc.

1910 Marsh Rd.
Essex, Md. 21221

Sept. 30, 1995



Tim Kotrocco,
Dept. Zoning Commissioner
Towson, Md. 21204

Dear Mr. Kotrocco,

This letter is to advise you of a vote taken at the September 25th meeting of the Holly Neck Improvement Association, Inc. Many of the residents of the Association are concerned about the proposal to construct 21 new homes on the Vandermast property.

Many of the rental units currently on the property are no more than shacks put together piece by piece. Some may even be converted chicken coops. There have been questions raised as to whether the existing units can meet livability codes, and whether or not all of the existing units are listed on the tax rolls. Granting permission to construct any new homes would be just another case of rewarding those who break the laws. This is a slap in the face to all the law abiding residents of the area who have kept their homes livable, and paid proper taxes for years.

It also gives us great concern when the residents who have lived here for years and have paid their taxes for years are being by-passed for metropolitan sewerage while new homes are allowed to connect to the service using up available capacity.

The Holly Neck Improvement Association, Inc. opposes the construction of the new homes on the Vandermast property until all existing homes on the Holly Neck Peninsula are connected to metropolitan sewerage, and until we can be assured that all the existing residences on the property have met the livability code and paid any back taxes.

Thank you,

Keith Roberts
Keith Roberts, President

BACK RIVER NECK PENINSULA COMMUNITY ASSOCIATION



SINCE 1983

P.O. Box 16754, Baltimore, Maryland 21221

August 28, 1995

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Office of Zoning Commissioner
Room 112
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Kotroco:

The Back River Neck Peninsula Community Assoc. would like to take this opportunity to thank you for visiting the Vander-mast property (area) and including the officers of our organization during this visit and listen to our concerns. As you are aware, this issue is of great concern to the residents of our community and we have followed it very closely over the years.

The owners have requested to the Baltimore County Planning Board that 5.5 acres **Case Number 95-05** be approved as an S-3Capital Facilities area. In addition, the Vandermast property **Case Number 95-06** also has been requested by the petitioners for a W3. S3 Capital Facilities area.

We are sure, that you are aware of the decision of the Baltimore County Planning Board to firmly place this in your hands with certain recommendations. As has been indicated to you at your hearing on 6-3-95 **Case No. 95-412 SPA**, the community has grave concerns about providing sewer and water to the twenty-one (21) buildings as requested and to further, in some manner, concoct a condominium venture.

The many concerns we have shared with you include:


- 1..The tax structure relative to the land and the buildings
- 2..The environmental concerns
- 3..The lack of individual lots
- 4..The Baltimore County Master Plan which states in part "Any change from this policy should be made with the utmost care, especially in regard to the lower portion of the Back River Peninsula". **SEE Baltimore County Master Plan 1989-2000 Eastern Sector PP. 110 for details..**

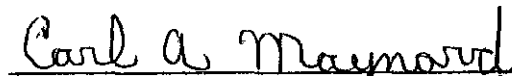
- 5..The violation of the Back River Community Plans' "Focus community" which was adopted by the Baltimore County Planning Board and became part of the Master Plan 1989-2000 and passed by the Baltimore County Council October 4, 1993 Resolution 79-93. This resolution introduced by Councilman Vincent J. Gardina
- 6..The water extension now going to four (4) houses
- 7..The potential of other land owners capitalizing on your decision if this would be a precedent in the decision making process.
- 8..The possibility of this project getting water and sewer service before other areas on our peninsula which have been waiting and working so many years toward this goal.
- 9..We have a concern for the erosion of the shoreline around the Vandermast property and as per our community plan, would recommend no more than one (1) pier to service all of the developable lots. This would benefit the delicate ecosystem of Sue Creek.

After careful consideration we feel the number of developable lots permitted to be allocated on the Vandermast property be in accordance with existing zoning regulations, which according to our best knowledge would be for the area zoned RC 5 four (4) lots and for the area zoned RC 20 would be three (3) lots for a total of seven (7) permitted.

It is hoped and trusted that your office explore together with the Baltimore County Planning Board (Special Committee) to evaluate this subject further -this committee could include other appropriate agencies - so as to make the best possible decision that will benefit the Back River Neck Peninsula, the Baltimore County Government and the owners of the property. The Back River Neck Peninsula Community Assoc., its' officers, Board of Directors and members are willing to assist this decision making process in any way that you may deem we can be of value.

Sincerely yours,


Jack Hession-President


Carl Maynard-Chrmn.-Bd. of Directors

Dave - Per postal carrier -

4/26/95

Goff

Vandermaast

1000 ? Questionable occupancy
moved to

2210 share occ

1010 lead → 1003

2209 Vacant 3 yrs

1006 occ

2212 occ

1004 ?

2214 occ

1002 ?

2222 occ off farm

1014 Good

2244 main house

1020 Good
putting in drain field

2254 carter's chicken shack

1021 Reoccupied

2257 occ

2300 occ

2304 occ long term

2339 occ

2341 condemned red sticker

2361 Not owned by him

#402

95-412-5PH

THIS CONFIRMATORY DEED, made this 2nd day
 of February, 1988, between ERNEST W. VANDERMAST, III,
 Successor Personal Representative of the Estate of Ernest W.
 Vandermast, Trustee under the Last Will and Testament of
 Elizabeth Vandermast, party of the first part, Grantor, and
 CELIA VANDERMAST, Trustee under the Last Will and Testament of
 Elizabeth Vandermast, party of the second part, Grantee.

RC/F 23.00
 DEED 0 H
 SH CLERK 23.00
 #42923 C002 R02 T10:14
 02/25/88

WHEREAS, Grantor was appointed Successor Personal
 Representative of the Estate of Ernest W. Vandermast by Order
 of the Orphan's Court for Baltimore County dated December 23,
 1987 (Estate No. 18397); and

WHEREAS, Ernest W. Vandermast, Celia Vandermast, Marie
 Margaret Vandermast, Elsie Vandermast, Kathryn Vandermast,
 George H. Vandermast and Edna A. Vandermast, were appointed
 Co-Trustees under the Last Will and Testament of their mother,
 Elizabeth Vandermast; said Will being recorded in the Office
 of the Register of Wills for Baltimore County, Wills Liber JPC
 No. 37, folio 327; and

AGRICULTURAL TRANSFER TAX
 NOT APPLICABLE

SIGNATURE JR DATE 2-25-88

WHEREAS, on July 16, 1958, Marie Margaret Vandermast,
 Elsie Vandermast, Kathryn Vandermast, George H. Vandermast and
 Helen Vandermast, his wife, Edna A. Vandermast and Celia
 Vandermast deeded certain trust property unto Ernest W.
 Vandermast, said Deed being recorded in the Land Records of
 Baltimore County, Liber G.L.B. no. 3404, 206; and

WHEREAS, in exchange for the property conveyed to him,
 Ernest W. Vandermast did relinquish all of his right, title
 and interest in the remaining trust property by Deed dated

RECEIVED FOR TRANSFER
 State Department of
 Assessments & Taxation
 for Baltimore County

JR 2-25-88

TRANSFER TAX NOT REQUIRED
 Director of Finance
 BALTIMORE COUNTY, MARYLAND
 Per [Signature]
 Authorized Signature
 Date 2-25-88 Sec. 11-88 I

July 16, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. no. 3402, folio 604. Said Deed was executed by Ernest W. Vandermast in his individual capacity, although his interest in the property was as a Trustee under the Last Will and Testament of Elizabeth Vandermast.

NOW, THEREFORE, THIS CONFIRMATORY DEED WITNESSETH: That in consideration of the sum of no actual monetary consideration, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, her heirs and assigns in fee simple, all those parcels of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the first thereof at a stone marked No. 1 set in the ground near the waters of Sues Creek, and at the beginning of that piece of parcel of ground which by Deed dated June 7, 1886 and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 155, folio 42 &c was conveyed by Thomas Knox to A. John Mateling and Peter (or Petrus) Mateling and running thence with and bounding on the outlines of said land as now run and bounding on Cedar Creek South fifty and one quarter degrees, West ninety and sixth-tenth perches to a stake thence bounding on the second line of Holly Neck South Sixty-six and three quarter degrees, west one hundred-twelve and one-half perches to a small white oak tree standing on the east side of the Wood-Landing Road, thence North twenty-three degrees West eight perches to a point on the east side of said Road, thence North sixteen and one quarter degrees west thirteen and fifty-two hundredths perches to a Rock Oak tree, standing on the east side of said Road thence bounding on the Waters of Ridges Creek and on the Waters of Sues Creek, North twenty one degrees east five and six tenths perches, North thirty-two and three quarter degrees east five and thirty six hundredths perches north thirty nine and three quarter degrees east four and sixteen hundredth perches north fifty five and one quarter degrees east

seventeen and eight tenths perches North forty four degrees east eight and eighty four hundredth perches, north fifty degrees east eight and eight tenth perches, east ten and seventy two hundredth perches, South fifty one degrees east five perches, south seventy five and one-half degrees east seven and seventy two hundredth perches, North fourteen perches, north forty one and one quarter degrees West five and fifty two hundredth perches, North thirty six and three quarter degrees east six perches, North eighty-seven degrees east one and eighty eight one hundredth perches, north thirteen degrees east nine and seven tenth perches, north sixty five and one half degrees West seven and one-half perches, north fifty three and one half degrees East five and sixteen hundredth perches, North seventy degrees East nineteen and seventy two hundredth perches, South fifty three degrees, East two perches South twenty one and one half degrees, East five and one quarter perches, South sixty one degrees East four perches, North seventy six degrees east ten perches, north sixty-eight and three quarter degrees, east four and ninety two hundredth perches, north sixty one and one quarter degrees east six perches, North forty six and one half degrees east fourteen and seventy two hundredth perches, north sixty five and one half degrees east six perches, South seventy eight and three quarter degrees east four perches, north fifty five degrees East thirteen and seventy two hundredth perches, south twenty eight and three quarter degrees east three and eight tenth perches, south forty one degrees, east five and seventy six hundredth perches, south fifty six and one quarter degrees east five and six tenth perches, south sixty six and one half degrees, east five and six tenth perches south seventy one degrees east two and seven tenths perches, south thirty five and one quarter degrees, east two perches, north seventy and one half degrees, east thirteen perches, north eighty nine degrees east eight perches and south sixty nine and three quarter degrees east six and twelve hundredth perches to the place of beginning.

BEGINNING for the second thereof at a stone planted at the beginning of the land which by Deed dated August 22, 1904, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 277 folio 471 was conveyed by Samuel Register, Trustee et al to Daniel Homberg, and running thence, bounding on the waters of Cedar Creek, South two degrees twenty minutes West one hundred and seventy two feet, North sixty six and one quarter degrees, East one hundred and twenty nine feet, North thirty five degrees east one hundred and eight feet, thence south twenty two degrees fifty six minutes east four hundred sixty feet, to the centre of the road leading to Holly Neck farm, and thence with and bounding on the centre of said road South forty nine degrees fifty four minutes West one hundred and twenty feet, South fifty four degrees thirty eight minutes West four hundred and thirty seven feet, south sixty seven degrees eight minutes west two

hundred and forty one feet, south seventy nine degrees eight minutes west one hundred and forty eight feet, north eighty five degrees twenty two minutes west three hundred feet, south eighty eight degrees thirty eight minutes west three hundred and fifty two feet, south eighty five degrees eight minutes west two hundred feet, thence north twenty two degrees forty five minutes west three hundred and twenty eight feet to a White Oak Stump in the last line of the Land conveyed as aforesaid by Samuel Register, Trustee, et al to Daniel Homberg and thence with and bounding on said line north sixty seven degrees, fifty minutes east fifteen hundred and sixty two feet to the place of beginning.

EXCEPTING, however from the land above described so much therefrom as was conveyed by the following Deeds, to wit:

Deed dated September 13, 1907 and recorded among the Land Records of Baltimore County W.P.C. No. 320 folio 293 from Frank Nahatzky and wife to Charles A.H. Pieper and wife, containing 2-66/100 acres.

Deed dated April 16, 1916 and recorded among the aforesaid Land Records in Liber W.P.C. No. 459 folio 453 from Frank Nahatzky and wife to Louis L. Jenkins, containing 5-54/100 acres.

Deed dated even date and intended to be recorded among the aforesaid Land Records prior hereto from Marie Margaret Vandermast et al unto Ernest W. Vandermast.

BEING part of the property which by Deed dated June 3, 1917 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 483 folio 1 was granted and devised by Frank Nahatzky and wife unto Arnold Vandermast and wife, Elizabeth Vandermast. The said Arnold Vandermast predeceased the said Elizabeth Vandermast, leaving title to said property vested solely in the said Elizabeth Vandermast. The said Elizabeth Vandermast died and by her Last Will and Testament recorded in the office of the Register of Wills for Baltimore County the hereinbefore described property was devised to the said Marie Margaret Vandermast, Kathryn Vandermast, Elsie Vandermast, Celia Vandermast, George H. Vandermast, Edna A. Vandermast and Ernest W. Vandermast as Trustees under the Last Will and Testament of Elizabeth Vandermast.

BEING all that property which by Deed dated July 16, 1958, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3402, folio 604, was granted and conveyed by Ernest W. Vandermast unto Marie Margaret Vandermast, Elsie Vandermast, Kathryn Vandermast, George H. Vandermast, Edna A. Vandermast, and Celia Vandermast.

95-412-SPH

TOGETHER with the buildings and improvements thereupon,
and the rights, alleys, ways, waters, privileges,
appurtenances and advantages, to the same belonging, or in
anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground
and premises above described and mentioned, and hereby
intended to be conveyed; together with the rights, privileges,
appurtenances and advantages, thereto belonging, or
appertaining unto and to the proper use and benefit of the
said party of the second part, her successors and assigns, in
fee simple.

WITNESS the hand and seal of said Grantor.

WITNESS:

2/2/88 Ernest W. Vandermast, III (SEAL)
Ernest W. Vandermast, III,
Successor Personal Representative
of the Estate of Ernest W.
Vandermast, Trustee

STATE OF Maine, CITY COUNTY OF Cumberland to wit: 57 acres

I HEREBY CERTIFY, that on this 2nd day
of February, 1988, before me, the subscriber, a
Notary Public of the State of Maine, aforesaid, personally
appeared Ernest W. Vandermast, III, Successor Personal
Representative of Ernest W. Vandermast, Trustee under the
Last Will and Testament of Elizabeth Vandermast, the
above-named Grantor, and he acknowledged the foregoing Deed to
be his act.

As Witness my hand and Notarial Seal.

Cynthia E. Coupe
Notary Public
CYNTHIA E. COUPE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JUNE 17, 1993

My Commission expires: -5-

Return to:
Neisler, Williams & Yazzaro
4th Fl. - Mercantile-Townson Bldg.
409 Washington Ave.
Townson, Md. 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

John M. Hession
CARL A. MAYNARD
Betty Christopher
MARION MACCREHAN
Mary O'Hession

2411 BEACH AVE. 21221
1546 DENTON RD 21221
2116 HOLLYDECK RD 21221
1708 BEACHWOOD AVE 21221
2411 Beach Ave - 21221



PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ALFRED E. CLASING JR

Maria C. Diaz, MD

DR. JACK K. MOWII

THERESA GUCKERT

2025 HOLLYWECK RD. 21221

1006 GOLF RD 21221

1030 GOLF RD. 21221

2530 ISLAND VIEW RD. 21221-6411

Vandermaast Site Plan



KEY:

WOODLANDS - + + + + +

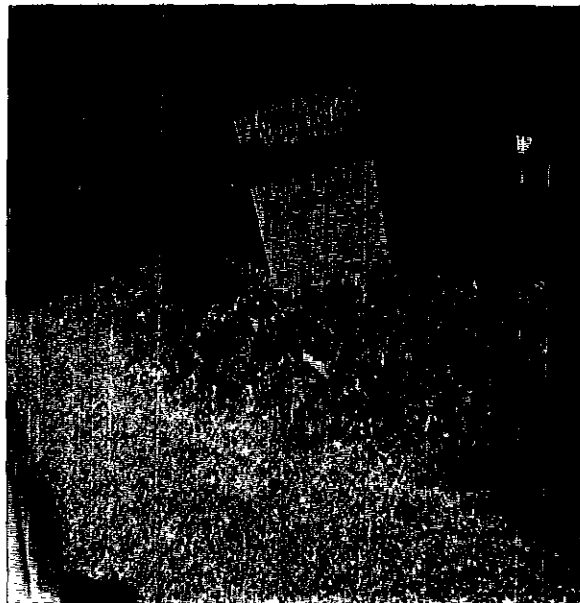
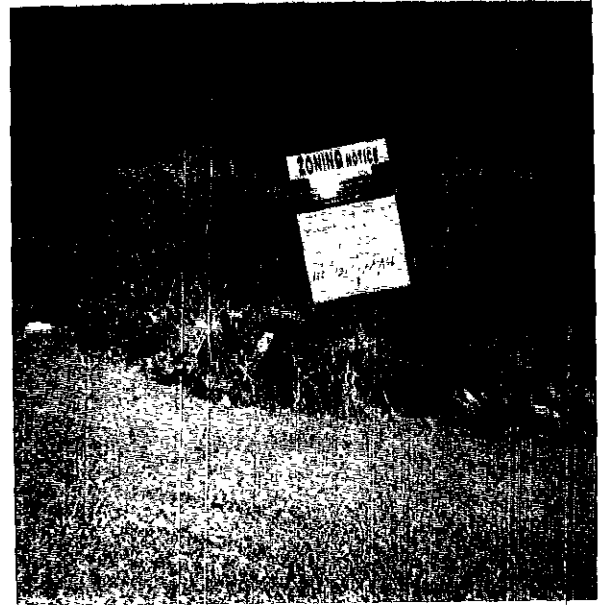
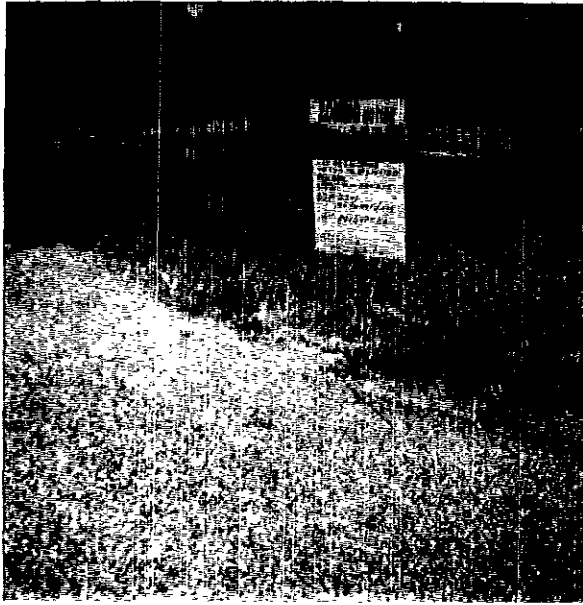
WETLANDS - |||||

BEACHES -

DWELLING SITES - ① ② ③ ④ ⑤

© 1995 - JUM

75-412-SPH



Taken 3/18/96 @ 11:15 a.m. to the County
Office Building (Engineering - 2nd Fl.)
for duplication by:

John M. Hession
John Michael Hession

3/18/96

Returned:

John M. Hession

On 3/18/96

- 1)Pt Exhibit # 2 (200 scale zoning map
- 2)Pt Exhibit # 3 (Essex S.C. rate schedule)
- 3)Pt Exhibit # 3 (BGE Secondary Record -2pgs)

1 ~~BSITE~~ SITE PLAN (FROM WATER!)



MARYLAND **EXPIRES** 01-01-98
DRIVER'S LICENSE

CLASS ENDORS. IDENTIFICATION NO.
C H-250-429-603-002
BIRTH DATE SR CODE ISSUE DATE
01-01-33 16-01-94
RESTR. HEIGHT WEIGHT EYES TYPE DONOR
J 6-0 185 D1 YES

JOHN MICHAEL HESSION
2411 BEACH AVE
BALTIMORE

BA MD 21221



Baltimore County Government
Office of Zoning Administration
and Development Management

APP #1



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

Mr. Joseph E. Buchanan, Jr.
9712 Magledt Road
Baltimore, Maryland 21234

RE: Item No.: 402
Case No.: 95-412-SPH
Petitioner: J. E. Buchanan, Jr.

Dear Mr. Buchanan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

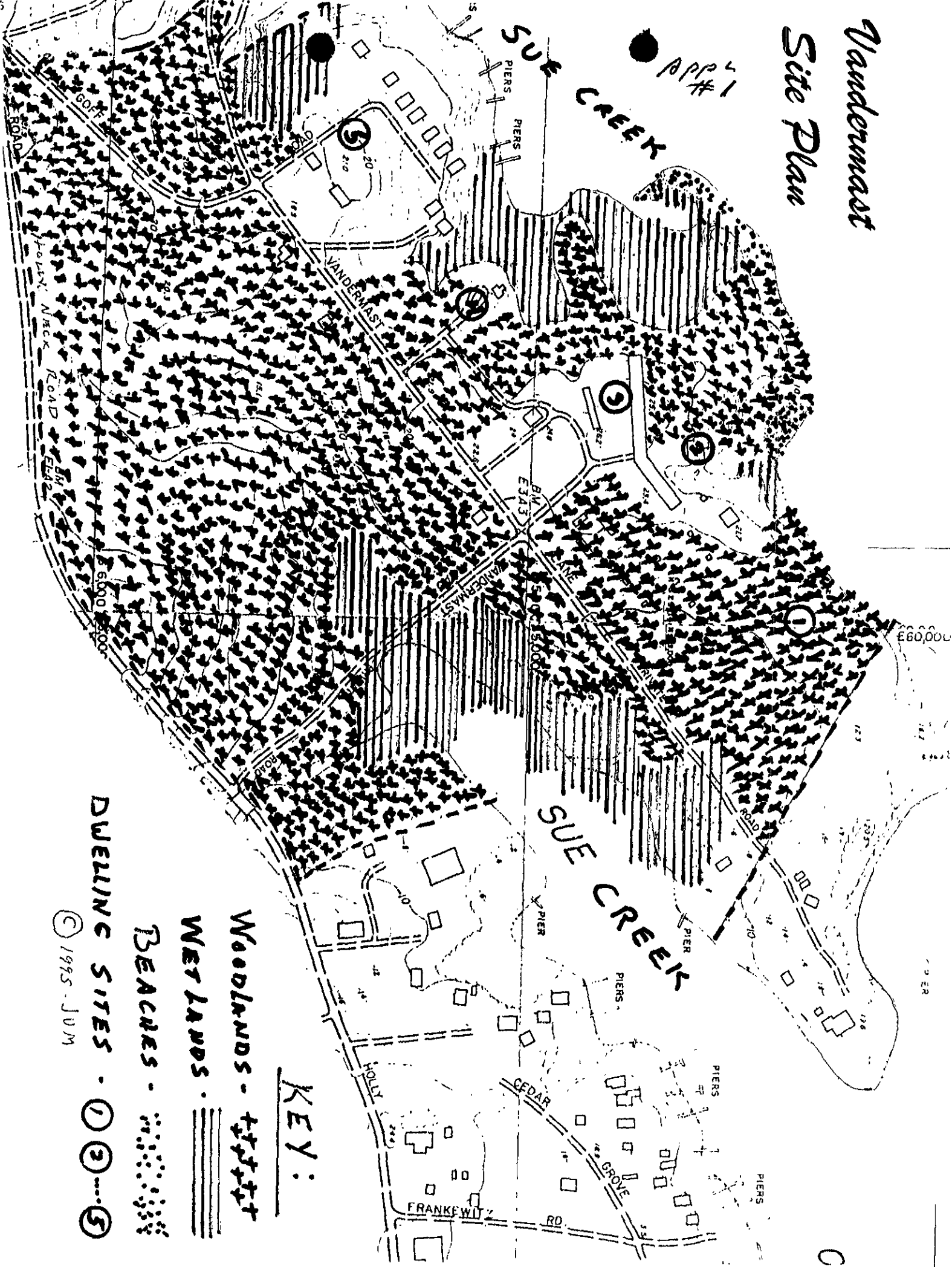
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Vandermaast Site Plan

APP #1



KEY:

Woodlands - ttttt

Wetlands - |||||

Beaches - ooooo

Dwelling Sites - ① ② ③ ④ ⑤

© 1995 JUM

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

Pro #1

DATE: May 10, 1995
TO: Hearing Officer
FROM: Mitchell J. Kellman
Planner II, ZADM
SUBJECT: Item #402

The petitioner did not meet the procedures for petition filing. He insisted on filing due to a deadline imposed by a judge at a court hearing. The petitioner was advised that this was filed incorrectly and that the case could possibly be dismissed.

If there are any questions, please contact me at 3391.

MJK:scj

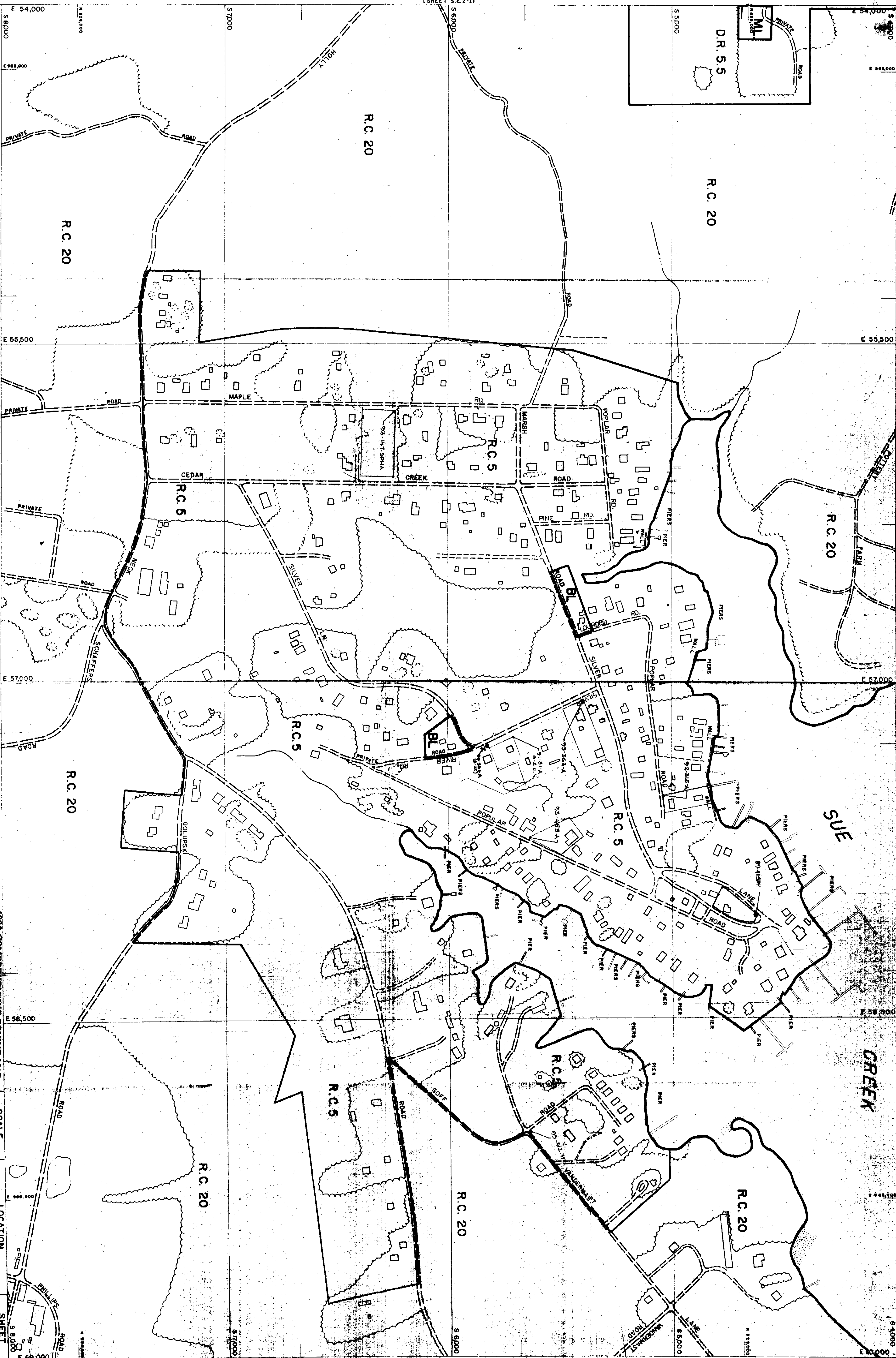
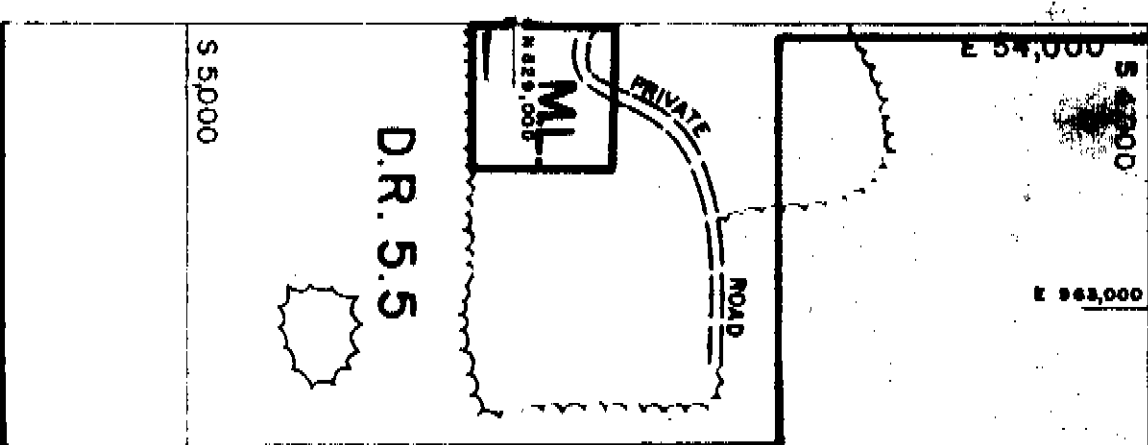
DATE: 10/8/96

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: 95-412-SP4

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
✓	Carl Maynard 682-4813 1546 DENTON RD 21221	Back River Neck Peninsula Community Area
	HEROY SENNETT 682-3697 1716 BEACHWOOD AVE 21221	
✓	JACK V MOWIE 1030 GOFF RD. 21221	
✓	AL CLASING MARIE CLASING 2025 HOLLY NECK 21221	
	THERESA GUCKERT 2530 ISLAND VIEW RD 21221	
	MARION MACCREHAN 1708 Beachwood Ave 21221	
	Charles Wier E 38 Sue Grove Rd 21221	
	BRUCE LAINC 2546 Island View Rd	



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92, 90-92
Chairman, County Council

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	HOLLY NECK
SHEET	SE 2-J
#	402

95-412-SPH



95-412-SPH

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 No. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William Howard IV
 Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	HOLLY NECK	S E
DATE		2-K
PHOTOGRAPHY		
JANUARY		
1986		
		#402

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PLANIMETRIC MAP

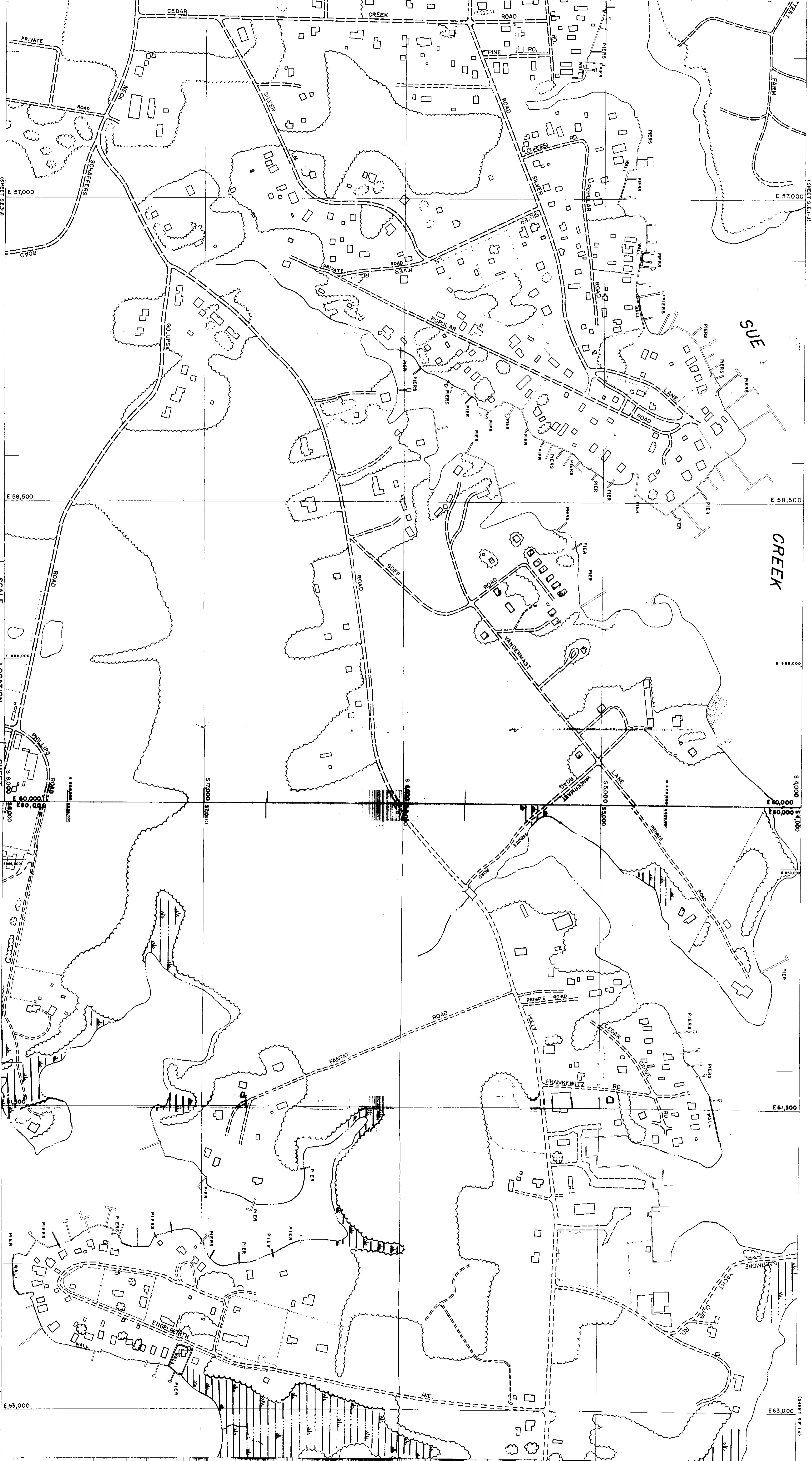
SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HOLLY NECK

SHEET
SE
2-J

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
BY BORDENHORN, INC. BALTIMORE, MD. 21210

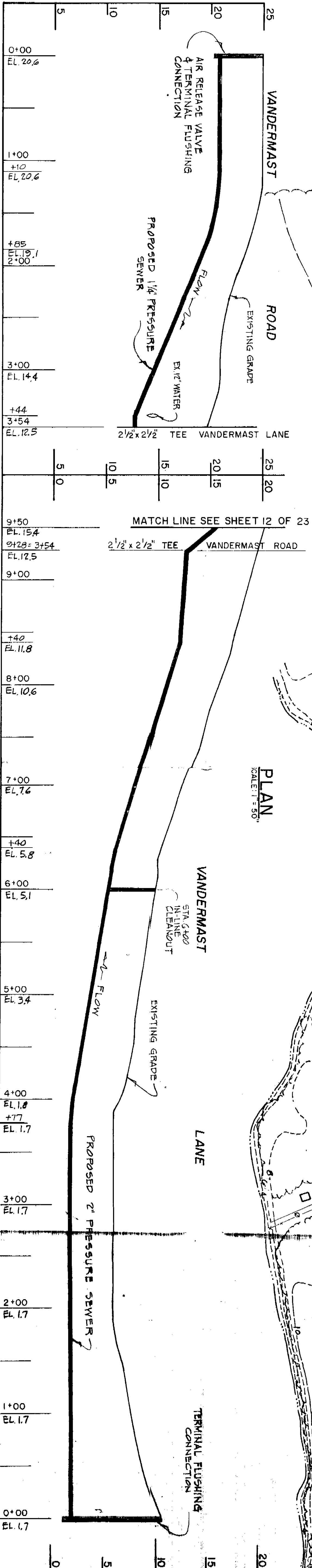
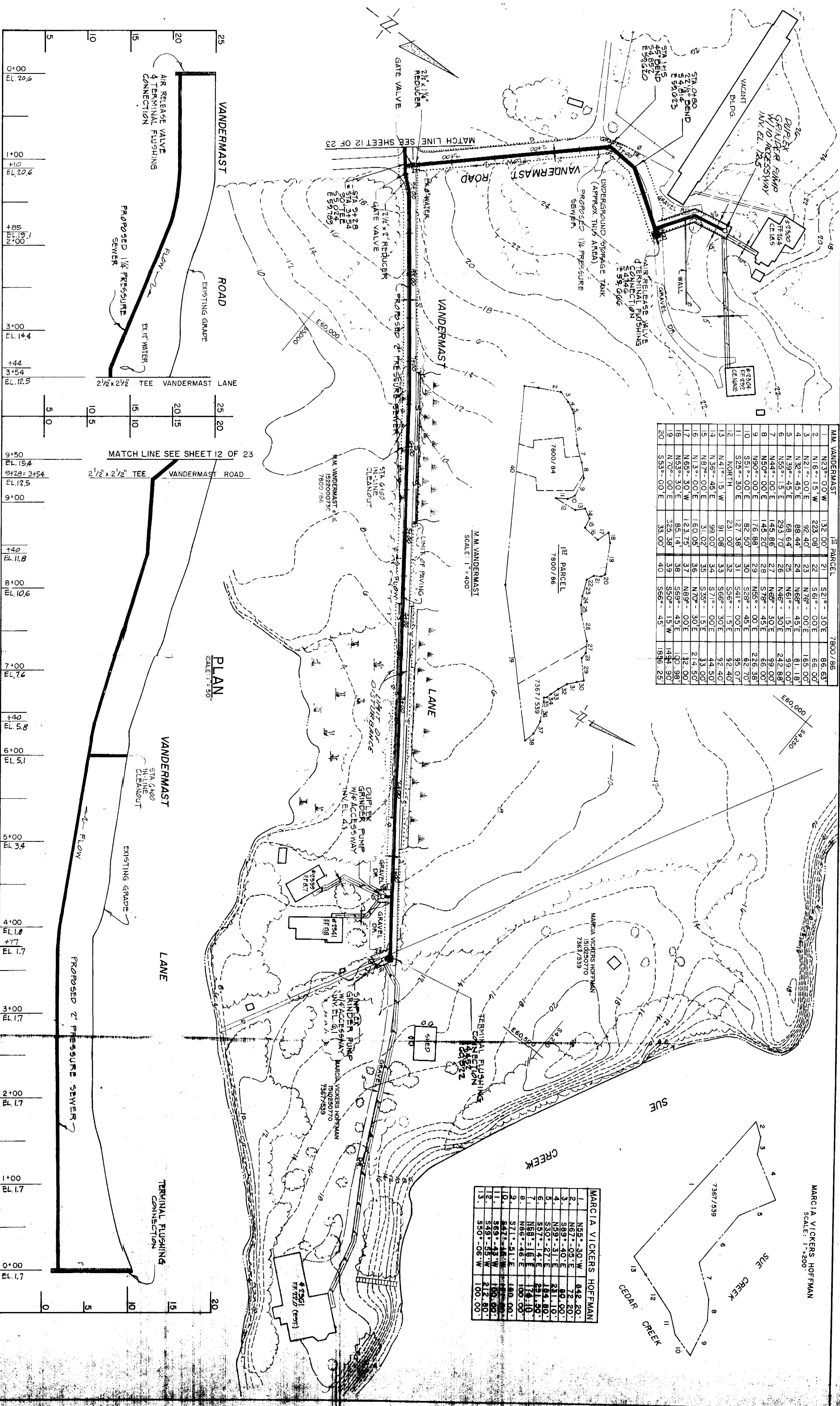
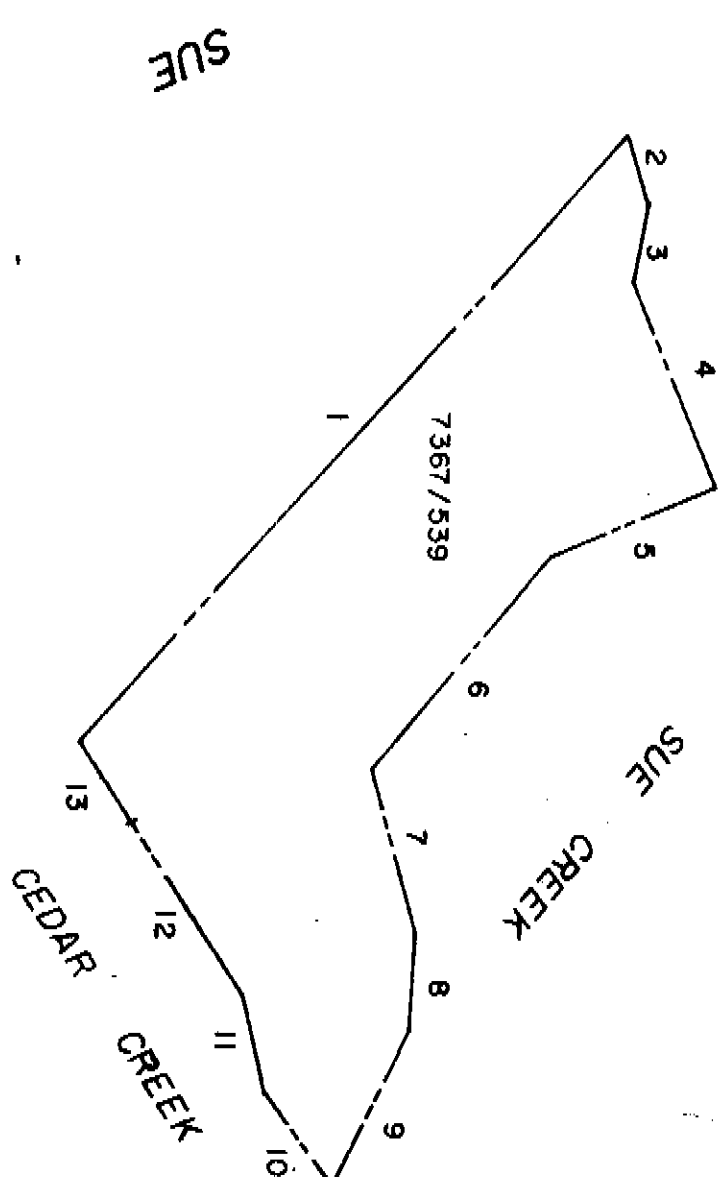
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PLANIMETRIC MAP



EXHIB-2

MM. WINTERFEST		13. PARCEL C				7800.65	
		132.00'	21'	521° - 30'E	95.63'		
1	N23° - 00'W	223.08'	22	S61° - 00'E	95.00'		
2	N16° - 15'W	86.44'	23	N78° - 00'E	1.8300'		
3	N2° - 00'E	92.40'	24	N68° - 45'E	81.18'		
4	N32° - 45'E	99.64'	25	N61° - 15'E	24.90'		
5	N39° - 45'E	293.70'	26	N46° - 30'E	242.88'		
6	N39° - 15'E	293.70'	27	N68° - 30'E	99.00'		
7	N44° - 00'E	145.86'	28	N78° - 45'E	66.00'		
8	N50° - 00'E	145.20'	29	N55° - 00'E	226.38'		
9	N50° - 00'E	165.98'	30	S28° - 45'E	62.78'		
10	S51° - 00'E	127.38'	31	S41° - 00'E	99.07'		
11	S28° - 45'E	23.01'	32	S36° - 15'E	96.92'		
12	NORTH	23.01'	33	S56° - 30'E	92.40'		
13	N41° - 15'W	91.08'	34	S71° - 00'E	44.50'		
14	N36° - 45'E	99.00'	35	S35° - 15'E	33.00'		
15	N87° - 00'E	31.02'	36	N70° - 30'E	214.50'		
16	N13° - 00'E	160.05'	37	N89° - 00'E	132.00'		
17	N65° - 30'W	123.75'	38	S68° - 45'E	100.98'		
18	N53° - 30'E	85.14'	39	S50° - 15'E	184.90'		
19	N70° - 00'E	326.38'	40	S66° - 45'	146.25'		
20	S53° - 00'E	33.00'					

MARCIA VICKERS		HOFFMAN	
1.	N57-30 W	842.20	
2.	N61-05 W	72.20	
3.	S89-40 E	84.00	
4.	N59-31 E	23.10	
5.	S57-47 E	184.80	
6.	S30-14 E	221.20	
7.	N68-16 E	174.10	
8.	N85-46 E	100.00	
9.	S71-51 E	189.00	
10.	S42-36 E	183.00	
11.	S28-43 W	105.00	
12.	S29-06 W	212.00	
13.	S30-06 W	100.00	

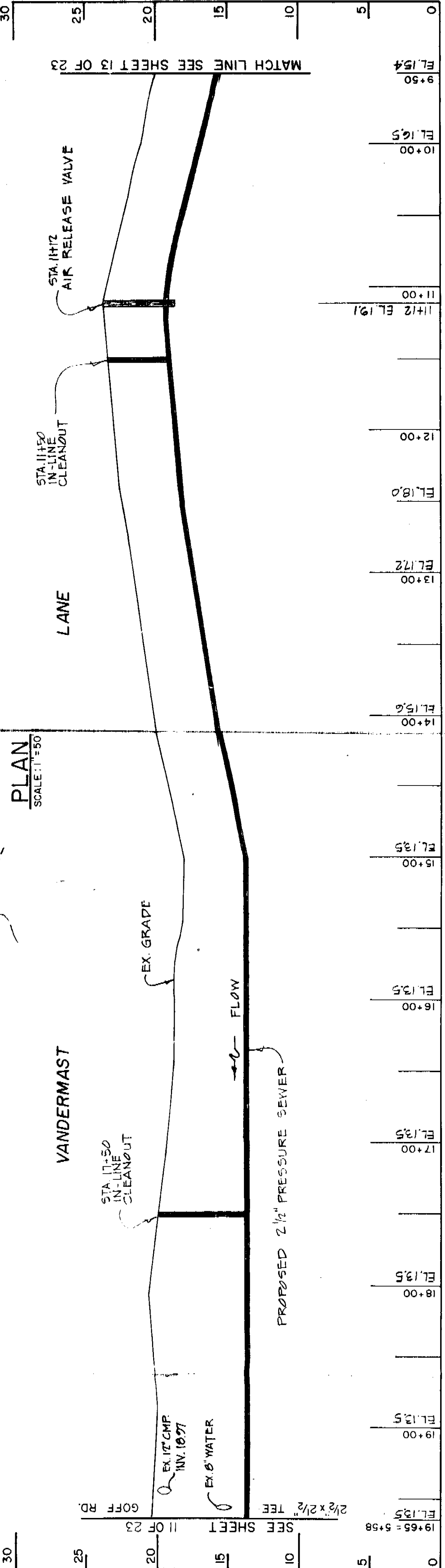
[illegible]

ERNEST W. VANDERMAST			
1.	S86°-27'E	244.00'	
2.	N12°-03'W	636.52'	
3.	S58°-28'W	30.00'	
4.	N33°-25'W	300.50'	
5.	N58°-43'E	190.00'	
6.	N31°-17'W	183.00'	
7.	S89°-11'E	37.43'	
8.	S64°-07'E	77.49'	
9.	N27°-35'E	118.00'	
10.	S84°-05'E	167.00'	
11.	S27°-44'E	360.25'	
12.	S58°-28'W	130.00'	
13.	S10°-37'E	792.57'	

- ELECTRICAL SERVICE UPGRADE IS REQUIRED TO THE FOLLOWING DWELLINGS SHOWN ON THIS SHEET:
- #1 GOFF ROAD
 - #2 GOFF ROAD
 - #3 GOFF ROAD
 - #4 GOFF ROAD
 - #5 GOFF ROAD
 - #6 GOFF ROAD
 - #2209 VANDERMAST LANE
 - #2222 VANDERMAST LANE
 - #1 VANDERMAST LANE

MATCH LINE SEE SHEET 13 OF 23

MATCH LINE SEE SHEET 11 OF 23



PROFILE
SCALE: VERT. 1"=5'
HORIZ. 1"=50'

CITY OF BALTIMORE

DESIGNED D.M.D.		ENGINEER: MITCHELL L. HARRIS		DATE: 6-1-90		LIC. NO. 23024	
DRAWN: FAL J.N.		CHECKED: E.C.H.		DATE: 6-1-90		LIC. NO. 23024	
REVIEWED: RCB		DATE: 9/14/90		DATE: 9/14/90		DATE: 9/14/90	
PERMIT REQUESTED: 9/1/90		PERMIT NUMBER: 90-1720		P.W.A. DIR. NO. 8464		CONTRACT NO. 90287 S10	
ROAD PERMIT AND GRADES		DATE: 9/1/90		DATE: 9/1/90		DATE: 9/1/90	
HIGHWAYS		STRUCTURES		SEWER		WATER	
DATE: 9/1/90		DATE: 9/1/90		DATE: 9/1/90		DATE: 9/1/90	
REVISIONS		DATE: 9/1/90		DATE: 9/1/90		DATE: 9/1/90	
REVISIONS		DATE: 9/1/90		DATE: 9/1/90		DATE: 9/1/90	

PETTY'S
EXHIBIT

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
PRESSURE SEWER, GOFF ROAD AND VANDERMAST LANE AND SEDIMENT CONTROL
SUBDIVISION: CEDAR BEACH
EL. DISTRICT NO. 15 C-5
BALTIMORE COUNTY TYPE NUMBER: 1

95-412-SPH

BALTIMORE GAS AND ELECTRIC COMPANY
ELECT. DIST. DEPT.
SECONDARY RECORD
IS 12E-3

4 02 12 10 2S 12E 1

